

**INTERNATIONAL
COOPERATION in ACQUISITION,
TECHNOLOGY and LOGISTICS
(IC in AT&L)
HANDBOOK**

OFFICE OF THE DIRECTOR



7th Edition

May 2012

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FOREWORD

International Cooperation in Acquisition, Technology and Logistics Handbook
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International Cooperation in Acquisition, Technology and Logistics (IC in AT&L)¹ is a complicated business. Acquisition personnel considering IC in AT&L for their technology projects and acquisition programs must take into account a series of complex national and international interrelationships. While the business is complex, the rewards are great. IC in AT&L has the potential to significantly improve interoperability for coalition warfare, to leverage scarce program resources, and to obtain the most advanced, state-of-the-art technology from the global technology and industrial base. The *International Cooperation in Acquisition, Technology and Logistics (IC in AT&L) Handbook* satisfies the need for a straightforward, explanatory “road map” through this complex business.

This handbook is not in itself a policy document, but is based almost entirely upon laws, directives, instructions, manuals and other policy documents. It is an informed view of the current practices and procedures in this complex area. It was developed from inputs from many informed sources, primarily the Office of the Secretary of Defense: OUSD (Acquisition, Technology & Logistics)/International Cooperation and OUSD (Policy), Chief of Staff, Director, International Security Programs. A number of OUSD(AT&L) offices contributed: Defense Procurement & Acquisition Policy, Manufacturing & Industrial Base Policy, Research & Engineering, Logistics and Materiel Readiness and Nuclear & Chemical & Biological Programs. The Military Departments international program offices and the U.S. Mission NATO provided support for selected sections. Contract support with handbook integration, including checking and renewing links to the laws and policy documents referenced throughout, was provided by LMI – Government Consulting. This Handbook directs the reader to additional sources for assistance and information.

Since this handbook was last issued in 2009, this version represents a significant rewrite and update from the previous version. As users of this handbook will likely be interested in only one or several of the chapters, each is written to stand alone.

IC in AT&L is constantly changing. This handbook will be updated annually; visit <http://www.acq.osd.mil/ic/> for the current version. Your comments, suggestions, and updates are welcome. Please forward them to P_and_A@osd.mil.

//Signed//

Director, International Cooperation

¹ IC in AT&L a.k.a. Armaments Cooperation (NATO & DoD 5000), International Armaments Cooperation (Guidance for Employment of the Force), International Cooperative Programs (DoD 5000), Defense Cooperation in Armaments (COCOMs & Security Assistance Management Manual) etc.

PREFACE

SUMMARY OF CHANGES

- Change International Armaments Cooperation to International Cooperation in Acquisition, Technology and Logistics (IC in AT&L) ²
- Reorganized, Renamed and New Chapters:
 - Chapter 1: Introduction and Background (expanded to include full definition to Security Cooperation).
 - Chapter 2: IC in AT&L Basics: Law, Policy and Mechanisms (title change and expanded).
 - Chapter 3: International Cooperation in Technology (new).³ Developed and/or expanded to include International Considerations Prior to Entry into the Defense Acquisition Management System, i.e. Research and Engineering / Science and Technology Projects; International Considerations During Pre-Systems Acquisition / Materiel Solution Analysis Phase; International Considerations During Pre-Systems Acquisition/Technology Development Phase; Defense Exportability Features (DEF) Pilot Program; and International Considerations in the Development of the Technology Development Strategy / International Involvement.
 - Chapter 4: International Cooperation in Acquisition (new)⁴ Expanded to include International Considerations in the Development of the Acquisition Strategy / International Involvement.
 - Chapter 5: International Cooperation in Logistics was 6th Edition Chapter 13: Cooperative Logistics. (title change and expanded)
 - Chapter 6: International Cooperation in Test and Evaluation was 6th Edition Chapter 10. Expanded to include DTE and OTE.
 - Chapter 7: Technology Security and Foreign Disclosure, edited to reflect name change – Office of the Under Secretary of Defense (Policy), Chief of Staff, Director, International Security Programs; and to include TS&FD Office, was 6th Edition Chapter 14: Security and Technology Transfer Requirements for International Armaments Cooperation.
 - Chapter 8: International Defense Trade and Industrial Cooperation (expanded to include Defense Trade Cooperation Treaties) was 6th Edition Chapter 12: Defense Trade and Industrial Cooperation.
 - Chapter 9: DoD (CONUS) Organizations Supporting IC in AT&L (expanded to include changes from DDRE to ASD(R&E); Principal Deputy Assistant for Logistics and Materiel Readiness; Defense Security Cooperation Agency; and

²IC in AT&L a.k.a. Armaments Cooperation (NATO & DoD 5000), International Armaments Cooperation (Guidance for Employment of the Force), International Cooperative Programs (DoD 5000), Defense Cooperation in Armaments (COCOMs & Security Assistance Management Manual) etc.

³ As of January 2011 Director, Defense Research and Engineering (DDRE) reorganized and renamed Assistant Secretary of Defense for Research and Engineering (ASD (R&E)).

⁴ 6th Edition Chapters 6 International Considerations in Defense Acquisition and Chapter 9: Cooperative Research, Development & Acquisition Programs were edited to become the two new chapters: Chapter 3 International Cooperation in Technology and Chapter 4 International Cooperation in Acquisition.

Security Cooperation Offices) was 6th Edition Chapter 3: DoD Organizations Supporting International Armaments Cooperation.

- Chapter 10: DoD (OCONUS) Components Organizations Supporting IC in AT&L was 6th Edition Chapter 5: Role of the Office of Defense Cooperation in International Armaments Cooperation.
- Chapter 11: Multilateral and Bilateral International Forums and Activities was 6th Edition Chapter 4.
- Chapter 12: International Agreements Process was 6th Edition Chapter 7. Expanded to include text or more text on: 1) legal and policy basis for international agreements, 2) Technical and/or Exploratory Discussions and 3) determining whether the desired agreement should be a memorandum of understanding/agreement or project agreement, annex or arrangement.
- Chapter 13: Information Exchange Program was 6th Edition Chapter 8.
- Chapter 14: Personnel Exchanges and Assignments was 6th Edition Chapter 11.
- Chapter 15: International Acquisition Career Path (new).
- Chapter 16: Summary same as 6th Edition Chapter 15.

TABLE OF CONTENTS

<u>Chapter and Section</u>	<u>Page No</u>
Foreword	ii
List of Figures	x
List of Tables	xi
Chapter 1: International Cooperation in Acquisition, Technology and Logistics (IC in AT&L)	
Introduction and Background	
1.1 Purpose	1
1.2 Organization and Content	3
1.3 Objectives of International Cooperation in Acquisition, Technology and Logistics (IC in AT&L)	3
1.4 IC in AT&L - Definition and Description	4
1.5 International Considerations	6
1.6 References	7
Chapter 2: IC in AT&L – Law, Policy and Mechanisms	
2.1 Introduction	8
2.2 Legal and Policy Basis	10
2.3 Mechanisms	13
2.4 Summary	24
2.5 References	24
Chapter 3: International Cooperation in Technology	
3.1 Introduction	25
3.2 Legal and Policy Basis	26
3.3 Definitions	27
3.4 Guidance for International Cooperation in Research and Engineering, and Science and Technology	34
3.5 Summary	43
3.6 References	43
Chapter 4: International Cooperation in Acquisition	
4.1 Introduction	45
4.2 Legal and Policy Basis	46
4.3 Definitions	47
4.4 Guidance for International Cooperation in Acquisition	54

4.5 Other International Considerations After Entry into the Engineering and Manufacturing Development Phase	67
4.6 International Considerations during the Production and Deployment Phase	68
4.7 International Considerations during the Operations and Support Phase	68
4.8 Summary	68
4.9 References	69
Chapter 5: International Cooperation in Logistics	
5.1 Introduction	70
5.2 Legal and Policy Basis	70
5.3 Cooperative Logistics Support Agreements	73
5.4 Summary	78
5.5 References	79
Chapter 6: International Cooperation in Test and Evaluation	
6.1 Introduction	80
6.2 Legal and Policy Basis	82
6.3 Definitions	84
6.4 International Test and Evaluation Programs	85
6.5 Summary	94
6.6 References	95
Chapter 7: Technology Security and Foreign Disclosure	
7.1 Introduction	96
7.2 Legal and Policy Basis	97
7.3 Bilateral Security Agreements	104
7.4 The Government-To-Government Principle	105
7.5 International Visits and Assignments of Foreign Nationals	106
7.6 Multinational Industrial Security Working Group	108
7.7 Planning for Security During Systems Acquisition	109
7.8 Summary	110
7.9 References	111
Chapter 8: International Defense Trade and Industrial Cooperation	
8.1 Introduction	112
8.2 Legal and Policy Basis	114
8.3 Foreign Industrial Participation in International Cooperative Acquisition , Technology and Logistics Programs	114

8.4 Foreign Production of U.S. Defense Articles; <i>(to include FMS/DCS Co-Production and Licensed Production Deals, i.e. Offsets; and The Impact of Defense Trade Offsets on the U.S. Industrial Base)</i>	117
8.5 Security of Supply Arrangements	121
8.6 Defense Trade Advocacy	122
8.7 Summary	123
8.8 References	123
Chapter 9: DoD (CONUS) Components Organizations Supporting IC in AT&L	
9.1 Introduction	125
9.2 Legal and Policy Basis	126
9.3 OSD Organizations Supporting IC in AT&L	126
9.4 Other DoD (CONUS) Components Supporting IC in AT&L	155
9.5 Summary	159
9.6 References	159
Chapter 10: DoD (OCONUS) Components Organizations Supporting IC in AT&L	
10.1 Introduction	161
10.2 Legal and Policy Basis	162
10.3. Definitions	162
10.4 Security Cooperation Organizations/Officers Support for IC in AT&L	164
10.5 Other DoD Components (OCONUS) Organizations Supporting IC in AT&L	169
10.6 Summary	171
10.7 References	172
Chapter 11: AT&L-Related Multilateral and Bilateral Forums and Activities	
11.1 Introduction	173
11.2 Legal and Policy Basis	173
11.3 North Atlantic Treaty Organization (NATO)	174
11.4 Other Multilateral Forums and Activities	184
11.5 Bilateral Forums and Activities	189
11.6 Education Related International Activities	195
11.7 Summary	196
11.8 References	196
Chapter 12: IC in AT&L International Agreements	
12.1 Introduction	198
12.2 Legal and Policy Basis	199
12.3 Definitions	210

12.4 Cooperative Opportunities, Technical/Exploratory Discussions (TED) and Memorandum of Understanding/Agreement (MOU/MOA) vs. Project Agreement/Arrangement (PA) or Equipment and Material Transfer Agreement (E&MTA) Decisions	211
12.5 IA Document Format	216
12.6 Review and Approval Process	216
12.7 Use of the IA Generator	227
12.8 Summary	228
12.9 References	228

Chapter 13: IC in AT&L Information Exchange Program (IEP)

13.1 Introduction	229
13.2 Legal and Policy Basis	230
13.3 Definitions	231
13.4 IEP Principles and Directives	235
13.5 Information Exchange Program Agreements	235
13.6 Information Exchange Program Annexes	236
13.7 Establishment and Management of Information Exchange Program Annexes	240
13.8 Summary	246
13.9 References	246

Chapter 14: IC in AT&L Personnel Exchanges and Assignments

14.1 Introduction	247
14.2 Legal and Policy Basis	247
14.3 Definitions	248
14.4 Specific Personnel Exchange and Assignment Programs	253
14.5 Guidelines	257
14.6 Program Administration	261
14.7 U.S. Participation	263
14.8 Foreign Participation	264
14.9 Summary	267
14.10 References	267

Chapter 15 International Acquisition Career Path (IACP)

15.1 Introduction	269
15.2 Background	269
15.3 International Considerations within Defense Acquisition Workforce Improvement Act (DAWIA)	269

15.4 The Core-Plus Concept.....	269
15.5 International Program Management Competencies.....	270
15.6 Defense Acquisition University Training for IACP.....	272
15.7 Practical Value of IACP.....	273
15.8 IACP International Program Definition.....	273
15.9 Implementation in Other Career Fields.....	274
15.10 IACP Relationship to DSCA's International Affairs Certification Program.....	274
15.11 Summary.....	275
15.12 References.....	275
Chapter 16: Summary.....	276
Annex A: Acronyms and Abbreviations.....	277
Annex B: References.....	286
Annex C: Key Offices.....	294
Annex D: Web Sites.....	296

LIST OF FIGURES

<u>Figure</u>	<u>Title</u>	<u>Chapter – Page No.</u>
1-1	Building Blocks of International Armaments Cooperation	1 – 6
1-2	Hierarchy of Relationships Leading to Armaments Cooperation	1– 7
2-1	The Defense Acquisition Management System & IC in AT&L	2 – 10
2-2`	JCTD Projects Positioned between S&T and Acquisition Programs	2 – 23
3-1	The Defense Acquisition Management System & IC in AT&L	3 – 34
4-1	The Defense Acquisition Management System & IC in AT&L	4 – 59
4-2	Pilot/Lead Nation Structure	4 – 60
4-3	Integrated Structure	4 – 61
4-4	Decentralized Structure	4 – 62
4-5	Industrial Structure for Competition in International Programs Scenario 1	4– 64
4-6	Industrial Structure for Competition in International Programs Scenario 2	4 – 64
4-7	Consortium Structure	4 – 65
4-8	Joint Venture Company Structure	4 – 65
6-1	FCT Program – Historical Results	6 – 90
6-2	International Test Operations Procedures – Steering Committee	6 – 91
7-1	DoD Technology Security & Foreign Disclosure Process Overview	7 – 102
9-1	OSD Offices Involved in International Cooperation	9 – 125
9-2	Assistant Secretary of Defense for Research & Engineering (ASD)R&E) Organization	9 – 140
9-3	Deputy Assistant Secretary of Defense Rapid Fielding(DASD(RF)) Organization	9 – 146
9-4	ASD(R&E) Executive Committee (EXCOM)	9 – 147
9-5	MILDEP International Program Organizations Responsible for Armaments Cooperation	9 – 156
12-1	The RAD Stage of the IA Process	12 – 218
12-2	The Development and Negotiation Stage of the IA Process	12 – 218
12-3	U.S. & Foreign Partners Financial Contributions to IC In AT&L	12 – 220
12-4	The RFA Stage of the IA Process	12 – 221
12-5	Comparison Between Streamlining I and II Staffing Processes	12 – 227
13-1	Information Exchange Program	13 – 236
13-2	IEP Annexes Management Framework	13 – 240

LIST OF TABLES

<u>Table</u>	<u>Title</u>	<u>Chapter</u> – <u>Page No.</u>
2-1	IC in AT&L Program Characteristics	2 – 9
2-2	Statutes, Directives and Instructions for International Cooperation Functional Areas	2 – 13
2-3	RDT&E Program and TRDP Agreements	2 – 16
2-4	MILDEP Challenges that Affected ACTDs Achieving Their Objectives	2 – 21
8-1	Reciprocal Defense Procurement (RDP) MOUs by Category and Country	8 – 115
8-2	U.S./AUS DTCT Background and Key Documents, Regulations and Lists	8 – 117
10-1	U.S. Security Cooperation Organizations	10 – 165
11-1	CNAD Level One Groups	11 – 178
11-2	PASOLS Members and Observers	11 – 188
11-3	Bilateral Cooperative Forums and Activities	11 – 189-190
12-1	Provisions covered in Umbrella Agreements vice PAs and E&MTAs	12 -215
14-1	Types of Personnel Exchanges and Assignment Programs	14 – 257
14-2	Requirements of the DPEP, CPP and FLO Programs	14– 265
14-3	Foreign Countries Participating in ESEP and APEP	14 – 266
15-1	IACP Program Management Competencies	15 – 271

CHAPTER 1: INTRODUCTION & BACKGROUND: INTERNATIONAL COOPERATION IN ACQUISITION, TECHNOLOGY AND LOGISTICS⁵

1.1 PURPOSE

This Handbook provides guidance and information about the policies, processes, procedures, and programs that collectively make up the international cooperation in acquisition, technology and logistics (IC in AT&L) effort of the U.S. Department of Defense (DoD). This Handbook covers international cooperative research, development, test & evaluation, production, and logistics functional areas to assist DoD acquisition personnel in identifying, developing, and implementing any international activities related to their technology project or acquisition program responsibilities.

The change from international armaments cooperation to IC in AT&L is to ameliorate confusion which results from the broader and, therefore, often confusing term “armaments cooperation,” consequently, this Handbook will not cover joint military arrangements and operations with allied nations, which are the purview of the Joint Chiefs of Staff and the various combatant commands. Nor will it address in significant detail the Security Assistance program, including Foreign Military Sales (FMS). The Security Assistance Management Manual (SAMM) DoD 5105.38-M, published by the Defense Security Cooperation Agency (DSCA) and the Defense Institute of Security Assistance Management’s “Online Green Book (<http://www.disam.dsca.mil/DR/greenbook.asp>) The Management of Security Assistance,” should be referred to for thorough treatments of Security Assistance background, policy and procedures. However, the Green Book also addresses Security Cooperation (SC) materiel aspects which fall under the greater OUSD(AT&L) materiel enterprise.

⁵ IC in AT&L a.k.a. Armaments Cooperation (NATO & DoD 5000), International Armaments Cooperation (Guidance for Employment of the Force), International Cooperative Programs (DoD 5000), Defense Cooperation in Armaments (COCOMs & Security Assistance Management Manual) etc

Security Cooperation encompasses all DoD efforts to work with international partners and allies in order to maintain collective security.⁶ In regard to the materiel domain, Security Cooperation includes:

International armaments cooperation (IAC) is “cooperative research, development, test, and evaluation of defense technologies, systems, or equipment; joint production and follow-on support of defense articles or equipment; and procurement of foreign technology, equipment, systems or logistics support.”⁷

Security Assistance (SA) is a group of programs authorized by the Foreign Assistance Act of 1961, as amended, and the Arms Export Control Act of 1976, as amended, or other related statutes by which the United States provides defense articles, military training, and other defense-related services, by grant, loan, credit, or cash sales in furtherance of national policies and objectives. Security assistance is an element of security cooperation funded and authorized by Department of State to be administered by Department of Defense/Defense Security Cooperation Agency.⁸

Security Force Assistance (SFA):⁹

- Capabilities include: 1) organizing, training, **equipping**¹⁰, and advising foreign military forces; 2) supporting the development of the capability and capacity of host-country defense institutions and ministries; and 3) conducting SFA across all domains – air, land, maritime, and cyberspace – in both permissive and contested environments, under steady-state or surge conditions.
- Occur across the range of military operations and spectrum of conflict as well as during all phases of military operations. These efforts shall be conducted with, through, and by foreign security forces.

⁶ Security Cooperation Reform Task Force Report 2011. DISAM Green Book Appendix 2 History of Security Assistance and Security Cooperation

⁷ *Guidance for the Employment of the Force*, p.134

⁸ Joint Publication 3-22, Foreign Internal Defense, 12 July 2010

⁹ *DoDI 5000.68, SFA*, 27 Oct 2010

¹⁰ SFA equipping may require U.S. systems’ modification or the weaponization/armoring of COTs articles, which may require the intervention of the DoD acquisition community to modify U.S. military and/or COTS equipment. In such cases MILDEP IPOs in coordination with the Geographic COCOMs would develop the DSCA required Memorandum of Request and pseudo-LOA documents IAW the e-SAMM Chapter 15 Building Partner Capacity Programs.

While this Handbook describes a wide range of IC in AT&L activities, it is not intended to replace or modify existing DoD policies and procedures. Rather, this Handbook provides DoD personnel with a handy reference compendium that will assist them in more effectively pursuing international cooperative efforts related to their projects/programs.

1.2 ORGANIZATION AND CONTENT

This Handbook is organized into sixteen separate chapters covering legislation and policy, international cooperation in science and technology; research, development, test and evaluation, acquisition [production and logistics], international organizations, international agreements, international acquisition career path, and other specific programs and activities. There is a concluding summary chapter followed by four annexes with acronyms and abbreviations, references, points of contact in key offices, and websites.

Throughout the Handbook, the objective is to provide sufficient information so that personnel responsible for implementing cooperative projects/programs are aware of the key policies and processes that apply to DoD international cooperation efforts. To that end, selected materials from relevant directives or policy documents are included as ready references. To ensure development and implementation of successful international projects/programs, technical and acquisition personnel are encouraged to contact and work closely with the Office of the Secretary of Defense (OSD) or DoD Component¹¹ international program organization responsible for supporting their organization.

1.3 OBJECTIVES OF IC in AT&L

The core objectives of IC in AT&L are (1.) **operational** - to increase military effectiveness through interoperability and partnership with allies and coalition partners, (2.) **economic** - to reduce weapons acquisition cost and achieve Better Buying Power (BBP) by sharing costs and economies of scale, avoiding duplication of development efforts; and achieving the cooperative production or sales of more weapons systems to our allies and friends, (3.) **technical** - to access the best defense technology worldwide, and help minimize the capabilities

¹¹ Office of the Secretary of Defense (OSD), the Military Departments (MILDEPs), the Chairman Joint Chiefs of Staff (CJCS), the Unified Combatant Commands (COCOMs), the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (collectively referred as the “DoD Components.”

gap with allies and coalition partners, (4.) **political** – strengthen alliances and relationships with other friendly countries, and (5.) **industrial** – bolster domestic and allied defense industrial bases. Since the end of the Cold War and, especially since the advent of asymmetric warfare, the U.S. is slowly recognizing that IC in AT&L programs offer new and broader opportunities for promoting U.S. security. These new opportunities include new subject areas, such as the environment, and new partners worldwide. As emphasized in the DoD 5000 series, and recent policy memoranda regarding Restoring Affordability and Productivity in Defense Spending/BBP, the leveraging of U.S. resources through cost sharing, economies of scale, “should cost” reductions afforded by international cooperative research, development, production, sales and logistics support programs should be fully considered when Components work with domestic and potential partner users to define needed capabilities. These international capabilities should be considered when appropriate in the conduct of any Analysis of Alternatives and preparation of the technology development strategy and subsequent acquisition strategies.

1.4 IC IN AT&L¹² - DEFINITION AND DESCRIPTION

The majority of IC in AT&L¹³ activities are related to cooperative technology, projects and acquisition programs. The definition of armaments cooperation or IC in AT&L is not formally defined by statute or regulation, but is defined in the *2008 Guidance for Employment of the Force (GEF)*, April 21, 2008 as follows:

IC in AT&L – cooperative research, development, and acquisition projects and programs includes

- Harmonization of Military Requirements.
- Exchanges of information and personnel.
- Research, development, test, and evaluation (RDT&E) of defense technologies, subsystems, and systems or equipment.

¹²IC in AT&L a.k.a. Armaments Cooperation (NATO & DoD 5000), International Armaments Cooperation (Guidance for Employment of the Force), International Cooperative Programs (DoD 5000), International Research, Development and Acquisition (Army), Defense Cooperation in Armaments (COCOMs & Security Assistance Management Manual) etc

¹³ IBID

- Cooperative production (including follow-on support) of defense articles or equipment resulting from a cooperative Research and Development (R&D) program.
- DoD procurement of foreign equipment, technology, or logistics support.

Specific IC in AT&L programs (described in detail in later chapters of this Handbook) include:

- Bilateral and Multilateral Engagements
- The Defense Research, Development, Test and Evaluation (RDT&E) Information Exchange Program (IEP)
- International Cooperative Research, Development and Acquisition (RD&A) Programs
- Coalition Warfare Program
- Joint Capability Technology Demonstrations
- International Cooperative R&D Programs
- The Foreign Comparative Testing (FCT) Program
- Defense Personnel Exchanges and Assignments
- Defense Trade and Industrial Cooperation
- Cooperative Logistics including Acquisition and Cross-Servicing Agreements

The scope of this cooperation is extensive and growing. Currently, there are

- over 500 cooperative RD&A projects/programs underway with 29 countries,
- over 700 separate information exchange program annexes under agreements with 26 different countries,
- nearly 100 exchange engineers and scientists participate in the Engineers and Scientists Exchange Program with 18 countries,
- over 40 FCT project evaluations are conducted every year, and
- Approximately 100 Acquisition and Cross-Servicing Agreements (ACSAs) with 97 countries and 3 International organizations. The number of ACSAs changes continuously due to new and expiring agreements.

While most IC in AT&L functional areas are managed as separate activities, in practice, one often leads to another. Information exchanges, for instance, may lead to a cooperative RD&A project. Figure 1-1 illustrates this “building block” concept of international armaments cooperation.

Defense Acquisition Mgt System

DoDI 5000.02 with IC in AT&L
"The Building Blocks of Cooperation"

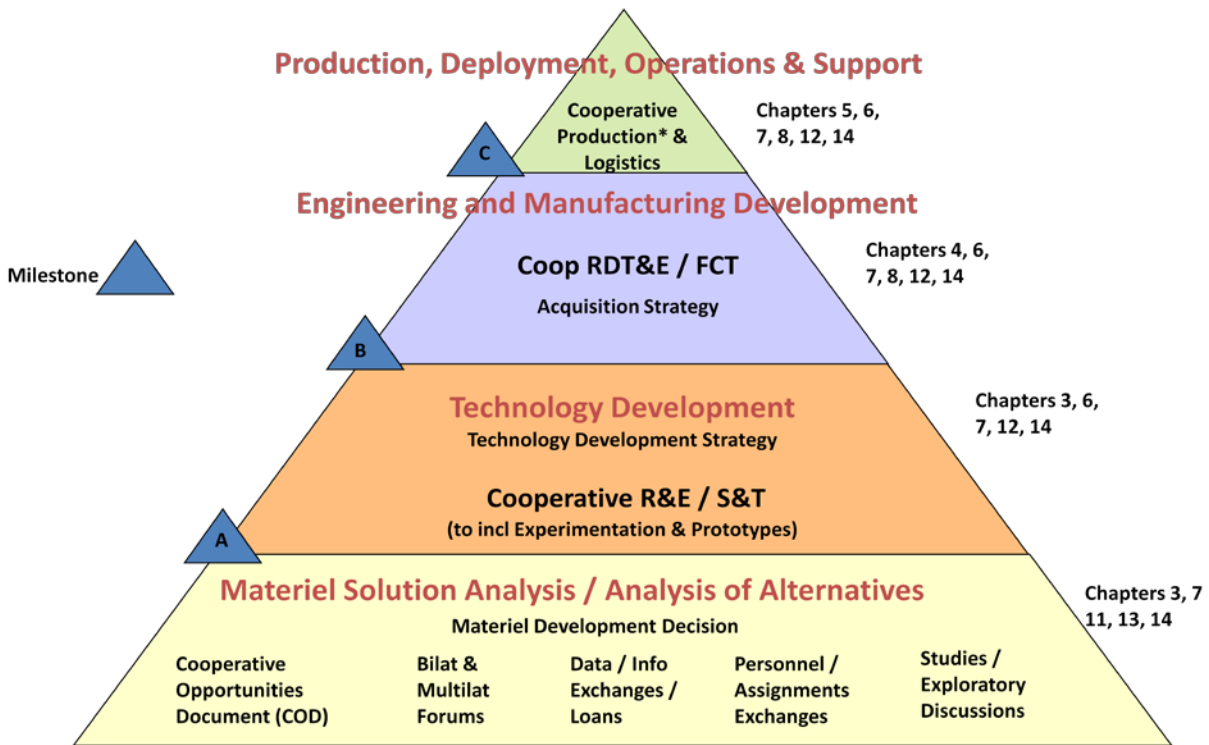


Figure 1-1 Building Blocks of International Cooperation in Acquisition, Technology and Logistics

** Also includes FMS Co-Production and Licensed Production*

1.5 INTERNATIONAL CONSIDERATIONS

Typically IC in AT&L activities result from political and military relationships that have evolved over time, and are generally conducted with nations that have solid political and economic ties with the U.S., similar military requirements, and a reasonably robust defense science and technology base. Selected allies have common objectives and possess defense industrial capabilities that have allowed cooperation across a wide spectrum of programmatic and technical areas. Our convergence of interests is reflected in the numerous information and personnel exchanges and cooperative development projects with these countries.

Other countries may be quite important to the U.S. from a political, economic, or military standpoint but do not fit the role of a "traditional" cooperative partner. The Department has had an extensive number of non-traditional coalition partners supporting global military and

humanitarian operations, thus increasing the impetus for building partnerships and defense interoperability with a wider range of nations.

Another way of looking at the IC in AT&L relationship is to think of the hierarchy of relationships as a pyramid as illustrated in Figure 1-2. Even though IC in AT&L programs form the capstone, it does not imply that cooperative RD&A is the ultimate form of cooperation. It does, however, illustrate that effective IC in AT&L normally rests on a broad foundation of other prerequisite relationships and conditions. It should be noted that IC in AT&L can also complement, lead to, or emerge from defense sales activities.

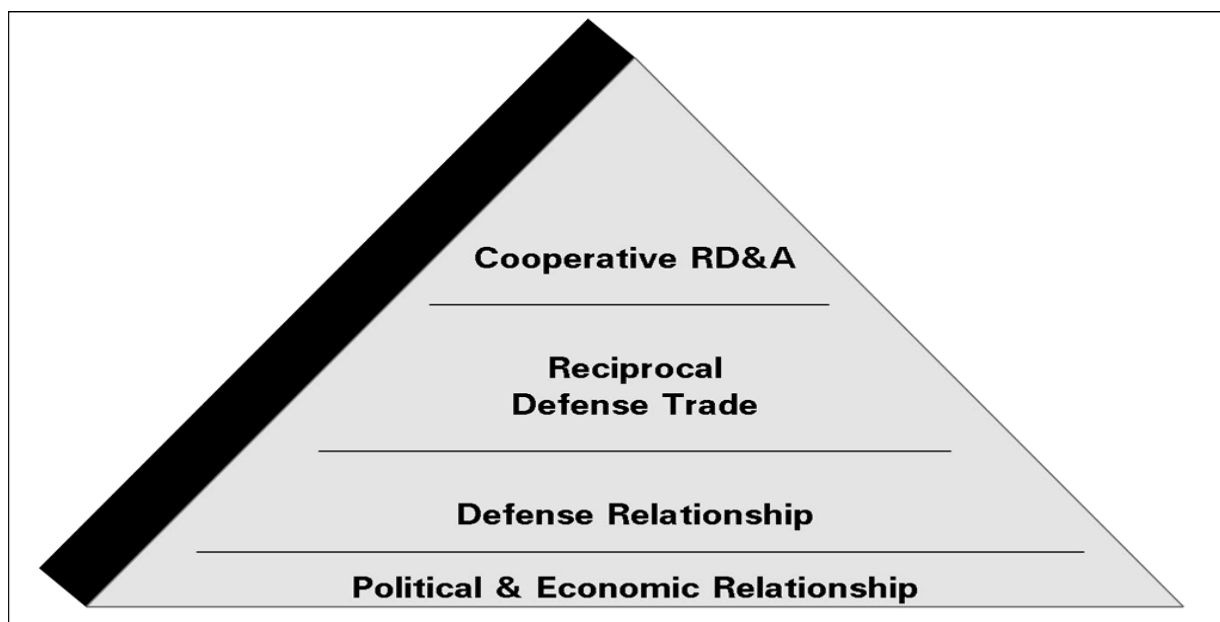


Figure 1-2 Hierarchy of Relationships Leading to International Cooperation in Acquisition, Technology and Logistics

1.6 REFERENCES

1. Security Cooperation Reform Task Force Report 2011.
2. [DISAM Green Book](#) Appendix 2 History of Security Assistance and Security Cooperation.
3. *Guidance for the Employment of the Force*, p.134.
4. [Joint Publication](#) 3-22, Foreign Internal Defense, 12 July 2010.
5. [DoDI 55000.68](#), *Security Force Assistance*, 27 Oct 2010.

CHAPTER 2: IC IN AT&L BASICS: LAW, POLICY, AND MECHANISMS

2.1 INTRODUCTION

Since the end of World War II, a set of legislation, policy, principles and mechanisms has developed that guides U.S. participation in IC in AT&L projects and programs. This set ranges from specific enabling and restricting legislation to detailed procedures of reviews and approvals, and mechanisms which are intended to encourage IC in AT&L while ensuring that such cooperation is entered into only with the proper legal and regulatory authority.

The Department of Defense has consistently endorsed a strong, active, and effective IC in AT&L program. Specific instructions and implementation policy will be discussed in subsequent chapters covering individual international cooperation functional areas. Additional information on the most current applicable guidance is available from international program organizations and legal counsel.

Cooperative research, development, and acquisition [including production and logistics] (RD&A) refers to a range of international projects/programs in which DoD and a foreign nation or nations jointly manage efforts to satisfy a common need or requirement by sharing work, technology, costs, and resulting benefits through an international agreement (IA). These programs range in scope from small bilateral S&T agreements to multi-billion dollar, multi-national programs such as the Joint Strike Fighter (JSF) program. Put simply, there are a number of types of agreements the U.S. and its partners use, and a variety of statutes that provide the legal basis for cooperating in defense acquisition.

IC in AT&L programs are referred to by a variety of names, including Armaments Cooperation, International Armaments Cooperation, Defense Cooperation in Armaments (Security Assistance terminology), or simply "cooperative programs". Regardless of the name, these programs are defined by the fact that they all involve (1) research, development, test, evaluation and/or production and logistics; (2) mutual and equitable sharing of effort, cost and risk; and (3) sharing of the resulting information, equipment or other benefits. Table 2-1 summarizes their characteristics.

IC in AT&L PROGRAMS	
ARE	ARE NOT
Shared Cost	Contracts
Shared Risk	Security Assistance Buyer-Seller Relationships
Shared Benefits	One Way Transfer or Grant
Jointly Managed	Foreign Aid
Government to Government	Industry-only Relationships

Table 2-1 IC in AT&L Program Characteristics

It is important to note that occasionally, as part of a cooperative agreement, equipment or services transferred through the U.S. Security Assistance (Foreign Military Sales) system may be included, and may be referenced in the international agreement as a contribution to the program by the foreign participant. These are referred to as hybrid programs.

This chapter describes the legal, policy and mechanisms background of IC in AT&L programs. Each subsequent chapter of this Handbook provides individual summaries of key statutes and relevant DoD policies in each international cooperation functional area, in most cases acquisition personnel should consult with the Director (International Cooperation) (DIR(IC)) or DoD Components' international program organizations to obtain assistance and detailed guidance regarding one or more specific international program activities under consideration. The complexity of laws, regulations, policies and mechanisms that apply to IC in AT&L activities should not be underestimated. Self-interpretation of IC in AT&L related laws, regulations, policies and mechanisms without assistance from DoD international program organizations is unwise, and in the case of legal interpretations unauthorized and possibly unlawful. Legal interpretations of relevant IC in AT&L statutes must be obtained from appropriate OSD or DoD Component legal counsel.

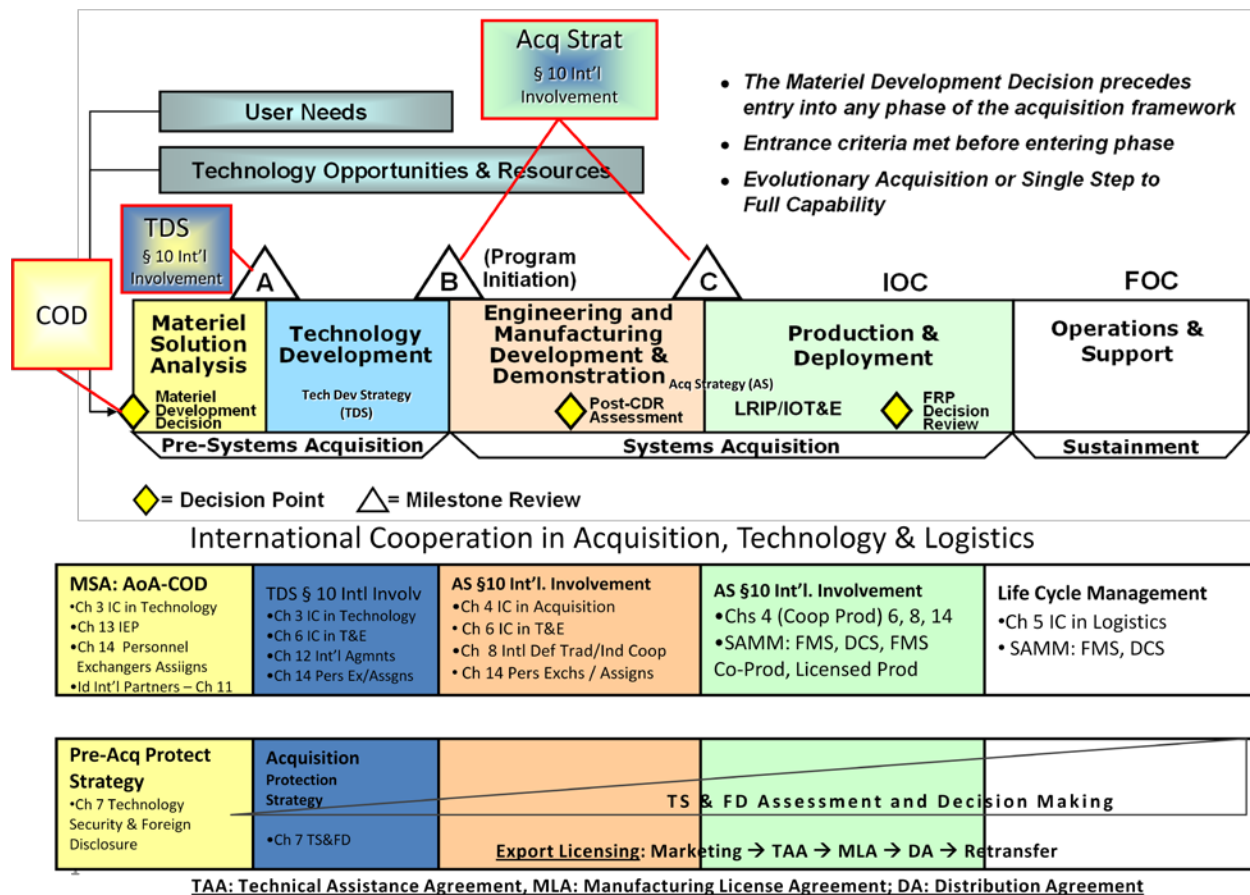


Figure 2-1 The Defense Acquisition Management System

2.2 LEGAL and POLICY BASIS

2.2.1 LAW

The most important point to remember about the legal basis for IC in AT&L activities is that international program-related laws, regulations and policies in most instances apply in addition to — not instead of — applicable domestic DoD acquisition laws, regulations and policies. Acquisition personnel, with the assistance of supporting DoD international programs organizations, must comply with both domestic and international cooperation related laws, regulations, and policies while developing and implementing IC in AT&L initiatives.

Over the years, Congress has enacted a number of laws encouraging and enabling cooperation with our allies in the acquisition of defense equipment. Most are codified in Title 10 United States Code – Armed Forces, and Title 22 – Foreign Relations and Intercourse, as

amended in annual National Defense Authorization Acts. These laws often permit departures, when appropriate and justified, from domestic procurement law that would otherwise make cooperation impossible. Acquisition workforce awareness of these legislative provisions is essential, both to recognize the opportunities and to ensure that legal authorities are not exceeded. Each international cooperation functional area has one or more statutes that form the legal basis for DoD IC in AT&L activities in that area. In many instances, additional U.S. government (USG) regulations and DoD/DoD Component policies and mechanisms have been issued or developed to implement these legal requirements and establish specific procedural guidance that must be followed by DoD acquisition personnel.

Legal Authorities

The legal basis for IC in AT&L programs comes from several sources in the United States Code. The most significant are the Arms Export Control Act (AECA) under Title 22 – Foreign Relations and Intercourse, Chapter 39 – Arms Export Control, and provisions of Title 10 – Armed Forces, Chapter 138 – Cooperative Agreements with NATO Allies and Other Countries and Chapter 139 – Research and Development. See Table 2-2, *Statutes, Directives and Instructions for International Cooperation Functional Areas* and for a complete listing see ANNEX B REFERENCES.

2.2.2 POLICY

DoD policy promotes IC in AT&L programs, projects and activities that will enable the warfighter to be well prepared and supported for military operations, including coalition operations to defeat any adversary on any battlefield. Well-constructed IC in AT&L IAs and programs strengthen our defense industrial base by providing reciprocal access to defense markets with our allies and friends. Accordingly, the USD(AT&L) strongly encourages DoD Components to pursue IC in AT&L activities. Establishing and maintaining cooperative relationships with friends and allies are critical to achieving interoperability of equipment and services to be used by the armed forces of the United States and coalition partners, achieving access to technology from sources worldwide, achieving economies of scale, achieving “should cost” via Better Buying Power, and expanding our influence in critical areas of the world.

The Department of Defense has strongly supported IC in AT&L as a key aspect of the DoD acquisition process. [DoD Directive 5000.01](#), which provides management principles and mandatory policies and procedures for managing all acquisition programs, states that “Program Managers shall pursue international armaments cooperation to the maximum extent feasible, consistent with sound business practice and with the overall political, economic, technological, and national security goals of the United States.” Furthermore, interoperability between U.S. Forces and coalition partners is U.S. defense acquisition policy. The Directive goes on further to say that systems units, and forces shall be able to provide and accept data, information, materiel, and services to and from other systems, units, and forces and shall effectively interoperate with other U.S. Forces and coalition partners. A cooperative development program with one or more allied nations is preferred to a new, joint, DoD Component or Government Agency development program, or DoD Component-unique development program.

DoD Directive 5000.01 and [DoD Instruction 5000.02](#), specify the requirements for international considerations. During the development of the [Technology Development Strategy \(TDS\)](#) for Milestone A or the initial [Acquisition Strategy \(AS\)](#) for Milestone B for a new program, the potential for international cooperative research, development, test, evaluation, production, and logistics support should be addressed, and thereafter, the potential for international cooperation should be considered in every phase of the acquisition process. DoD Components should periodically review their programs to determine the potential for or revise the strategy regarding IC in AT&L. As a result, Milestone Decision Authorities (MDAs) may recommend forming international cooperative programs based on TDS or AS considerations; DoD Component Heads may also recommend forming international cooperative programs. The Milestone Decision Authority should make the decision to establish an international cooperative program as early as possible in the Defense Acquisition Management System. See this chapter Figure 2-1 The Defense Acquisition Management System and Chapter 1, Figure 1-1 Building Blocks of International Cooperation in Acquisition, Technology and Logistics, and the following table.

Statutes, Directives and Instructions

International Acquisition Policy	Various Sections of titles 10 & 22 USC; DoDD 5000.01, DoDI 5000.02
International Responsibilities of USD(AT&L)	DoDDs 5134.01, 5134.3, 5134.08, 5134.12
IC in AT&L Programs	10 USC 2350 & 2358; 22 USC 2767 & 2796d,
International Cooperative Agreements	10 USC 2350 & 2358; 22 USC 2767 & 2796d; DoDD 5530.3, DAG, DOD 5220.22-M, DOD 7000.14-R
Materiel Interoperability and Standardization	10 USC 2457; DoDI 2010.06, DODI 2010.4
International Logistics, ACSAs	10 USC 2341-2350; DoDD 2010.9, DoDI 2000.20, DODI 2010.4, CJCSI 2120.01A,
Information Exchange Program	10 USC 2358; DoDI 2015.4
Coalition Warfare Program	10 USC 2350
Technology Transfer, Foreign Disclosure and Sales Policies	DoDD 5134.01; DoDD 5230.11, DODD 5230.11, 5230.20, 5230.25, DODI 5200.39, DOD 5105.38-M, Int'l Pgms Security Handbook
International Acquisition Career Path	10 USC Chapter 87; DoDD 5000.52
Foreign Comparative Testing	10 USC 2350a(g); DoDI 5000.02
Reciprocal Defense Procurement MOUs	10 USC 2531 & 2533b; DFARS; DoDI 2010.06
Defense Personnel Exchange Program, Assignments & Visits	10 USCS § 168; PUBLIC LAW 110–181—JAN. 28, 2008 122 STAT. 3; DODD 4500.54E, DODD 5230.20
Security Cooperation/Security Force Assistance)	H.R.1815 National Defense Authorization Act for Fiscal Year 2006 (Enrolled Bill [Final as Passed Both House and Senate] - ENR), SEC. 1206. Authority to Build the Capacity of Foreign Military Forces; DODD 5132.03, DODI 5132.13, DISAM On-Line Greenbook http://www.disam.dsca.mil

Table 2-2 Statutes, Directives and Instructions for International Cooperation Functional Areas (Also see ANNEX B REFERENCES – for comprehensive listing of legal statutes and policy documents.)

FOR PROGRAM-SPECIFIC ASSISTANCE AND GUIDANCE, DOD COMPONENTS SHOULD CONSULT THEIR RESPECTIVE OFFICE OF GENERAL COUNSEL (OGC).

2.3 MECHANISMS

The following overview provides a brief description of the various types of acquisition-related IAs that DoD negotiates and concludes with foreign nations. The first type, cooperative S&T and RD&A Memoranda of Understanding (or Agreement) (MOU/MOA), require case-by-case OSD-level approval, but provides the proponent with great latitude to pursue joint activities.

S&T and RDT&E Project Arrangements/ Agreements/Annexes (PAs), The Technical Cooperation Program (TTCP) PAs, AECA Section 65 Loan Agreements, and U.S./Canada Defense Development Sharing Program (DDSP) PAs, on the other hand, are simpler, more focused types of S&T and RD&A IAs. Authority to negotiate and conclude these latter IA types is delegated to the MILDEP Secretaries, or their designees, so these agreements can be developed and concluded more rapidly.

In recent years, RDT&E, Test and Evaluation Program (TEP) and other similar “umbrella” agreements have begun to include new mechanisms within their scopes to facilitate collaborative efforts. Under the “umbrella,” Information Exchange (conducted with careful attention to disclosure issues and according to carefully defined procedures) and Working Groups established to study specific areas in order to define future collaborative projects have now joined PAs as enabling tools.

2.3.1 IC in AT&L, i.e., Cooperative Technology (S&T, R&D), Acquisition (RDE&A) and Logistics Agreements

An IC in AT&L International Agreement (IA), (MOU, MOA)¹⁴ is normally pursued when one or more prospective foreign participants desire to form a partnership with the U.S. Government in one or more of the following areas:

- Share the cost and effort of research, development, test and evaluation of a defense article;
- Share the cost of investment and establishing a joint framework for cooperative production and/or logistics of a defense article.

The advantage of using an IC in AT&L IA (MOU/MOA) vice a Project Arrangement/Agreement/Annex (PA)¹⁵ is that the scope of work permitted under such an MOU/MOA is very flexible and broad. The potential disadvantage lies in the complexity of an IC in AT&L MOU/MOA. There is a more stringent and detailed requirement for coordination at the outset of the effort, and review of such proposed IAs can be lengthy. In general, for the sake of efficiency and timeliness, proponents should look carefully at whether the objective of a

¹⁴ MOU – Memorandum of Understanding, or MOA – Memorandum of Agreement.

¹⁵ Which is also a type of International Agreement

proposed R&D effort can be accomplished through a PA. For more detail see Chapter 12 and its *Table 12-1 Comparison between RDT&E Umbrella Agreement and PA*. Acquisition personnel should, also, contact their cognizant international programs organization for recommendations prior to making a determination on the type of approach to take.

2.3.2 Research, Development, Test & Evaluation Project, and Equipment & Material Transfer (Loan) Agreements, i.e. PAs and EMTAs

International RDT&E PAs and EMT&As are used to establish collaborative efforts involving basic, exploratory, and advanced technologies under an RDT&E “umbrella” agreement. The RDT&E “umbrella” agreement sets forth the general terms, conditions and formats for implementing individual projects related to technology base R&D activities. DoD has granted the MILDEPS authority to initiate negotiations for specific projects, which reduces administrative lead time.

Each RDT&E PA (and to a lesser extent E&MTAs) contains specific provisions describing, inter alia, the objective(s), scope of work, management structure, and financial arrangements for a particular project. Engineering and manufacturing development or production programs that may evolve from collaboration under one or more supplements to an “umbrella” agreement require separate cooperative agreements outside the scope of a RDT&E PA. Thus, these Agreements fill the niche for cooperative efforts that, by their nature, fall between an Information Exchange Program (IEP) annex and a project MOU. RDT&E agreements function like IEP agreements (see Chapter 13); however, RDT&E agreements efforts are not limited to only information exchange. The umbrella agreement contains the standard sections (security, intellectual property rights, etc.) and specifies the criteria that projects must meet. Typical criteria could be that projects must be basic or advanced development, and have a specified duration and funding level. Specific PAs need only to address project specific information.

RDT&E Program (RDT&E) and Technology Research and Development Program (TRDP) Umbrella Agreements and Project Agreements, Annexes, Arrangements (PAs)

Current bilateral and multilateral RDT&E Program (RDT&E) and Technology Research and Development Program (TRDP) umbrella IAs are listed in the following Table. Note that if funding is exchanged, the PA must have specific provisions and the legal authority normally will

be AECA Section 27. When Section 27 authority is used, a 30 calendar-day Congressional notification period is required for PAs.

RDT&E-Program (RDT&E) and TRD-Program (TRDP)Agreements (and The Technical Cooperation Program (TTCP) Agreement)	
Australia	1. Maritime RDT&E MOU – Navy 2. Air and Space RDT&E MOU – Air Force 3. Land Force Capability Modernization 4. Co-Operative and Collaborative Research, Development and Engineering MOU (Deutch-Ayers) 5. TTCP
Canada	1. MOU in the Field of Cooperative Development between the United States DoD and the Canadian DoD Production (DDSP) 2. TRDP MOU 3. New RDT&EP MOU Pre-RAD 4. Future Force Interoperability 5. TTCP
Chile	RDT&E Agreement in negotiation
Czech Republic	RDT&E Agreement
Egypt	TRDP Agreement
Finland	RDT&E Agreement in final national staffing
France	RDT&E Agreement
Germany	RDT&E MOU
India	RDT&E Agreement
Israel	RDT&E Agreement
Italy	RDT&E Agreement
Korea	1. TRDP 2. RDT&E Agreement
Netherlands	TRDP was just extended for 5 years for an AF PA. A new RDT&E MOU is in negotiation.
New Zealand	TTCP
Norway	1. Technology Demonstration & System Prototype (TDSP) Projects Agreement 2. RDT&E Agreement
Poland	DT&EP Agreement in negotiation
Singapore	TRDP and RDT&E Agreements
South Africa	RDT&E Agreement in negotiation
Sweden	TRDP Agreement and RDT&E Agreement
United Kingdom	1. Land Battlespace Systems – as amended 2. Research and Development Projects MOU 3. UK, Canada – Trilateral Technology Research and Development Projects MOU 4. TTCP

Table 2-3 RDT&E Program and TRDP Agreements

(NOTE:As the list changes, access your Component’s web-enabled IC in AT&L enterprise management system or contact your Component IPO directly for a current listing of RDT&E/TRDP umbrella agreements.)

2.3.3 The Technical Cooperation Program (TTCP) Project Agreements (PAs)

TTCP program efforts as described in Chapter 11 (section 11.4.7) are distributed over three areas: the forum itself, S&T harmonization and alignment, and TTCP PAs. Two or more TTCP participants can enter into TTCP PAs. Like RDT&E PAs, TTCP PAs include specific provisions concerning objectives, scope of work, sharing of work, management structure, etc. Consult the office of the Assistant Secretary of Defense for Research and Engineering (ASD(R&E)) or your cognizant international programs organization for additional information on how to pursue TTCP PAs.

2.3.4 U.S.-Canada Defense Development Sharing Program (DDSP) and the Defense Production Sharing Program (DPSP)

The Defense Development Sharing Program (DDSP) and the Defense Production Sharing Program (DPSP) were established in 1963 to facilitate cooperation in military R&D between the U.S. and Canada. The objective of both programs is to promote joint U.S.-Canadian military materiel programs and to make more efficient use of industrial, scientific, and technical resources of both countries in the interest of mutual defense. Under DDSP, the Canadian government agrees to fund up to 50 percent of the development cost if one or more Canadian defense firm is awarded a contract for development of a U.S. weapon system or related equipment.

PAs delineate the specific nature of the DDSP/DPSP projects to be undertaken. PAs include provisions for defining the project, funding, contracting, security, information transfer, personnel access, liability, and any other project specific matters. The authority to enter into such PAs has been delegated to the Military Departments. Consult your cognizant international programs organization to obtain additional information on how to pursue PAs under these authorities.

2.3.5 AECA Loan and Lease Agreements (commonly called E&MTAs)

2.3.5.1 AECA Section 65 Loan Agreements or E&MTAs

Under Section 65 of the AECA (22 U.S.C. 2796d, Loans of materials, supplies and equipment for R&D purposes), MILDEPs may conclude and implement written agreements to

make, accept, and administer loans, without charge, of U.S. defense materials, supplies, or equipment to, and to accept loans or gifts of defense materials, supplies, or equipment from NATO and major non-NATO allies. These agreements permit no-cost loan of equipment for the purposes of cooperative research, development, test or evaluation programs. Loaned materials, supplies, or equipment may be expended without reimbursement. Each loan or gift transaction must be provided for under the terms of an IA that specifies, among other things, the purpose and objective(s) of the loan, articles to be loaned, loan duration, management responsibilities, return of the loaned item (if applicable) and financial arrangements. A test report is given free of charge to the providing party in exchange for the temporary loan or gift of a defense article.

No Section 65 E&MTA may require a party to the agreement to provide materiel that would impair its own priorities, requirements, or commitments, or would otherwise be inconsistent with its national laws or regulations, or other international agreements. If an article is loaned to a foreign government, the loan should involve no funded cost to the U.S., and a cost-benefit analysis that compares the value of the loaned article to the value of the test report must be performed to justify the loan.

2.3.5.2 AECA Section 61 Lease Agreements

Under Section 61 of the AECA (Title 22 U.S.C. Section 2796, Leasing Authority), leases of defense articles may be entered into with eligible foreign countries or international organizations. Leases of defense articles under Section 61, and in accordance with procedures set forth in DoD 5105.38-M, may also be used for cooperative RDT&E purposes and may be rent free. Conditions for leases under Section 61 of the AECA are covered in detail in Chapter 11 of the Security Assistance Management Manual. Basically, all lease costs must be paid by the eligible foreign country or international organization, to include depreciation, restoration or replacement, if required. Section 61 leases may be used for countries or international organizations that are neither NATO members nor major non-NATO allies, since Section 65 does not apply to certain friendly foreign countries.

2.3.6 Coalition Warfare Program

2.3.6.1 The Coalition Warfare Program (CWP)

The CWP is a Defense-wide RDT&E (6.3) program started in FY01 and administered by

the OUSD (AT&L) IC to provide seed money to support international cooperative development of technological solutions that enable U.S. and friendly armed forces to operate more effectively together across the full spectrum of multinational operations. As a program, CWP is designed to cut across stovepipes to improve international cooperation and interoperability early in development programs that are expected to lead to fielded systems. CWP takes a multidimensional approach to fostering cooperative projects that enhance interoperability between U.S. forces and coalition partners worldwide.

Because the U.S. is not likely to fight without partners in the foreseeable future, the Department of Defense must address coalition interoperability in parallel with joint interoperability. DoD strategy, policy, and recent combat operations all point to the criticality of early and continuous planning for more effective coalition operations. The 2010 National Defense Strategy outlines how the Department will support the National Security Strategy, including the need to strengthen alliances and build partnerships.

CWP projects are selected for their emphases on warfighter solutions that offer combatant commanders the capabilities they demand, such as coalition tactical communications; coalition Intelligence, Surveillance, Reconnaissance; coalition combat identification (ID), and coalition logistics. In addition, CWP considers candidate projects for their portability and ability to be fielded quickly when developing solutions that are applicable to multiple combatant commands and that will reach warfighters quickly.

2.3.6.2 CWP Objectives

The Coalition Warfare Program provides the OUSD (AT&L) with the ability to initiate projects in prioritized capability areas determined by the USD(AT&L) and in coordination with high priority areas identified by the Combatant Commands, Joint Staff, the DoD Components and USD(Policy).

The CWP is a defense-wide effort to assist the Combatant Commanders, Services, and DoD Agencies in integrating coalition-enabling solutions into existing and planned U.S. programs. The program focuses not only on short-term, interoperability-enhancing solutions, but also on early identification of coalition solutions to long-term interoperability issues (architectures, coalition requirements, major system acquisition) with a broad range of potential coalition partners.

2.3.6.3 CWP Project Cycle

CWP sends out a DoD-wide call for proposal nominations on an annual basis, and based upon input from the warfighting community, CWP identifies key U.S. and allied programs as candidates for enhanced coalition interoperability.

A CWP proposal must:

- Have a DoD sponsor that will make a commitment to execute and provide tangible contributions to the project.
- Have an international partner that will make a commitment to execute and provide tangible contributions to the project.
- Address a problem faced by the warfighter and identified as a need by a DoD Component.
- Contain significant RDT&E content as to be funded with RDT&E dollars.
- Provide a tangible result that will be rapidly fielded, preferably within 2 years.
- Have necessary international agreements in place or a plan for completing those agreements.
- Have addressed potential disclosure issues associated with working with a foreign partner.

CWP funds are applied to short-term cooperative interoperability efforts (two years or less for CWP funds). For copies of the CWP Management Plan and document templates, go to www.acq.osd.mil/ic/cwp.html. For additional information, contact the Office of International Cooperation, OUSD(AT&L) at 703-697-4172.

2.3.7 Joint Capability Technology Demonstration (JCTD) Program

2.3.7.1 Transition from Advanced Capability Technology Demonstrations (ACTDs) to JCTDs

The JCTD program was initiated in the FY 2006 President's Budget with full transition from ACTD to JCTD to be completed within 3 – 5 years. This transition was driven by challenges facing the MILDEPS regarding ACTDs:

Front-end (start-up) and tail-end (transition) funding issues created serious PPBE challenges.
Little incentive for Service participation as New ACTDs created immediate unfundeds.
Significant start-up and demonstration delays after JROC decision: Average 6 month delay waiting for Implementation Agreements.
Many different Program Elements fund ACTDs (Little visibility at Service level—accountability challenges)
Projects required sustained commitment of resources once initiated.
Unfunded Requirements (UFRs) during execution caused significant risk and disruption as OSD tried to “share” the UFRs with stakeholders.
Even successful demonstrations risked waiting 2 years (or more) for resources to be programmed via rigid PPBE process.

Table 2 - 4 MILDEP Challenges that Affected ACTDs Achieving Its Objectives

As a result of above challenges, OSD decided to take the best parts of the ACTD program and initiate a new business model the **Joint Capability Technology Demonstration (JCTD)** program. The decision to go with the JCTD was based on:

- GAO Audit (2002): Break traditional barriers to transition “joint” technologies
- Defense Science Board (2003): Strengthen the COCOM influence
- Joint Capability Study (2004 “Aldridge Study”): Better “joint” business models
- Internal OSD direction (2004-2005):
 - SECDEF/CJCS:
 - “Joint has become the rule--is no longer an occasional luxury”
 - “Rapidly changing environment and Global War on Terror (GWOT) has created the need to develop Joint capabilities more rapidly”
 - Enhance the ACTD program & provide better funding visibility

- Leverage the Joint Capabilities Integrated Development System (JCIDS process) to establish an improved process for transitioning ACTDs/JCTDs to acquisition programs
- Congress':
 - Full support for the transition to JCTD and JCTD Budget Requests
 - Focus on the acceleration of innovative, relevant capabilities to meet most critical warfighter needs

From 1995 the Advanced Capability Technology Demonstration (ACTD) program (disestablished), and now the Joint Capability Technology Demonstration (JCTD) program, have deployed critically needed warfighting solutions to every major Combatant Command theater.

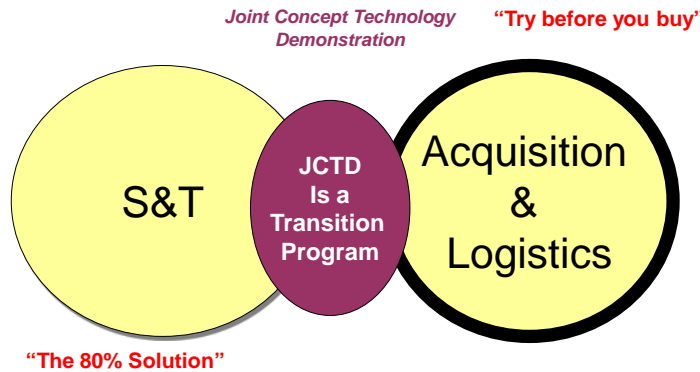
The transition from ACTDs to JCIDS, which commenced in 2006, has been completed. Over seventy-five percent of ACTDs and JCTDs completed during this time frame transitioned enduring capabilities to operational fielding and sustainment, but JCTDs demonstrated that it could do this quicker.

2.3.7.2 Joined Capability Technology Demonstration (JCTD) Program

The JCTD program provides capability solutions, through rapid prototyping, to solve joint, coalition, and interagency urgent shortfalls and gaps. This is done using mature technologies and innovative concepts. Additionally, JCTDs bridge the gap between science and technology (S&T) activities and the acquisition process. They provide quick-turnaround, agile solutions to urgent problems. The JCTD process streamlines the ACTD process and continues to deliver a sustainable capability to the warfighter and to transition enduring capabilities through strong service and other DoD Components partnerships. While the JCTD Program is not an international program, roughly a third of all JCTDs have foreign involvement.

JCTD Projects Positioned between S&T & Acquisition

Filling the Gap between S&T and Acquisition for the CoCom Customer



Transition programs are not acquisition programs, and should not be science projects

Figure 2-2 JCTD Projects Positioned between S&T and Acquisition Projects/Programs

The U.S. Combatant Commands drive JCTDs through their stated operational priorities and needs, which are applied to an agile acquisition process that yields results years ahead of traditional materiel development cycles. Due to the increasing prototyping successes in the program, OSD has put together a set of best practices guidelines to support the JCTD life cycle from development through operational demonstrations and assessment, to effective transition planning and fielding. These are manifested in the [JCTD Guidance](#).

2.3.8 International Cooperative Research & Development ("NUNN") Program

The International (or NATO) Cooperative R&D (ICR&D) Program is still occasionally referred to as the “Nunn” Program, since former Senator Nunn was the primary sponsor of the original legislation over twenty years ago.¹⁶ The program is not restricted to NATO nations only, despite the “NATO” in the Program Element (PE) title. Funding for the program is provided

¹⁶ First enacted in the National Defense Authorization Act for Fiscal Year 1986, under the sponsorship of Senator Sam Nunn, the legal authority behind the ICR&D Program was later codified in 10 U.S.C. 2350a by Public Law 101-189, the National Defense Authorization Act for Fiscal Years 1990/ 1991. This history results in the ICR&D Program also being known as the "Nunn Program," or "Nunn Funds," or the NATO Cooperative Research and Development Program.

through annual authorization and appropriations legislation directly to the Military Departments. OUSD(AT&L) no longer receives NATO Cooperative R&D funding.

The International (or NATO) Cooperative R&D Program is an important element of the defense acquisition process of the Department of Defense. While many other sources of funds are used to pursue cooperative R&D efforts, this program provides “seed money” to capitalize on cooperative opportunities. In addition to the statutory requirement that the foreign contribution must be equitable with that of the U.S., the MILDEP International Program Offices often require contributions from another PE to demonstrate commitment to the project. The program has resulted in a substantial number of international cooperative R&D programs with high payoff, for example the Army’s Ducted Rocket Engine effort, the Navy’s AV-8B Harrier II Plus radar integration, and the Air Force’s F-16 Midlife Update.

There are certain restrictions on the use of International Cooperative R&D funding.

- There must be an IA defining the specifics of the project.
- International Cooperative R&D funds must be spent in the U.S.
- Each project must be jointly managed.
- Allies must contribute an equitable amount of funds in comparison to total U.S. funding.

2.4 SUMMARY

The formulation and implementation of IC in AT&L programs is a complex process. There are statutory requirements that need to be met, as well as OSD and DoD Component program-specific requirements. There are a variety of mechanisms for implementing different types of international efforts, most of which are far simpler than project-specific IAs. This chapter is intended as a guide for proponents, but is not intended to supplant the role of your international programs organization and general counsel in providing advice and recommendations on the best course of action tailored to meet your individual program needs.

2.5 REFERENCES

Rather than duplicate almost every reference listed in Annex B, it was decided that it would save space and paper to simply refer the reader to ANNEX B REFERENCES.

CHAPTER 3: INTERNATIONAL COOPERATION IN TECHNOLOGY¹⁷

3.1 INTRODUCTION

The United States depends on innovative science and technology (S&T), and research and engineering (R&E) to protect the homeland, advance our national interests and prepare us to meet the challenges of an uncertain future. Given today's globalized access to knowledge and the rapid pace of technology development, innovation, speed of delivery, and agility have taken on greater importance for the DoD S&T/R&E enterprise.

A key S&T/R&E objective, therefore, requires S&T/R&E developers to identify promising science, technology, research and engineering innovations from all sources domestic and foreign, to include government laboratories and centers, academia, and the commercial sector.¹⁸ The goal being to reduce weapons system acquisition costs through cooperative S&T/R&E development from pre-entry into the Defense Acquisition Management System (DAMS) through the DAMS' Pre-Systems Acquisition phase, that is, the Technology Development Strategy for Milestone A.

During the Pre-Systems Acquisition Phase, the potential for international cooperation in technology must be considered from the Materiel Solution Analysis/Materiel Development Decision, through the development and execution of the Technology Development Strategy to the Milestone A (technology readiness/prototypes) decision in accordance with Section 3.7 References.

The Assistant Secretary of Defense for Research and Engineering (ASD(R&E)) provides the S&T leadership throughout the Department of Defense for shaping DoD Component's strategic direction while strengthening their S&T/R&E coordination efforts to meet tomorrow's challenges.

¹⁷ Prior to entry into and during the Pre-Systems Acquisition Phase of the Defense Acquisition Management System.

¹⁸ DoDI 5000.02, Operation of the Defense Acquisition System, December 8, 2008.

Prior to-entry into the Defense Acquisition Management System Research and Engineering (R&E), which includes Science and Technology (S&T) Basic Research, Applied Research, Advanced Technology Development; as well as Advanced Component Development and Prototypes. (See DoDD 5134.3, November 3, 2003 and DoDI 5000.02, December 2, 2008.).

This S&T/R&E enterprise is structured around four DoD imperatives:

- | | | |
|----|--|--------|
| 1. | Accelerate the delivery of technical capabilities to win the current fight | BETTER |
| 2. | Reduce the cost, acquisition time, and risk of major defense acquisition programs | BUYING |
| 3. | Develop world class science, technology, engineering and math capabilities for the Department and the Nation | POWER |
| 4. | Prepare for an uncertain future | |

Within the Office of the ASD(R&E), four Deputy Assistant Secretaries of Defense (DASD) offices are focused on providing S&T/R&E leadership for the Department. These offices include DASDs: Research, Systems Engineering (SE), Rapid Fielding (RF), and Developmental Test and Evaluation (DT&E). In addition, advisory and decision-making bodies within the ASD(R&E) include an S&T Executive Committee (EXCOM), an associated Principals Committee, and appropriate advisory groups, made up of leadership from the Department's largest S&T organizations, policy and other related groups. This approach provides efficiencies and agility for the development and transition of science and engineering to warfighter capabilities and, ergo, systems acquisitions.

This chapter also provides definitions and terms pertaining to IC in Technology and discusses the U.S. S&T/R&E process for developing and executing the international agreements that support developing S&T/R&E with allies, friends and coalition partners.

3.2 LEGAL AND POLICY BASIS

3.2.1. Legal Basis

The potential for international Research and Engineering (R&E) and Science and Technology (S&T) cooperation and development must be considered in pre-entry into the Defense Acquisition Management System. In accordance with 10 U.S.C. 2350(a), 2358, 2359

and 2359a, the potential for cooperative S&T/R&E should be addressed in the earliest stages of S&T/R&E development and tests and then timely transitioned IAW the designated technology readiness level to feed the development of a new program Technology development Strategy.

3.2.2. Policy Basis

DoDI 5000.02 policy states that promising technologies shall be identified from all sources domestic and foreign, including government laboratories and centers, academia, and commercial sector.

Amplifying guidance and information on international considerations for S&T/R&E are contained in the *Technology Readiness Assessment (TRA) Deskbook July 2009*, which indicates that S&T developed or procured from industry or other sources shall have demonstrated in a relevant environment or, preferably, in an operational environment to be considered mature enough to use for product development. Technology readiness assessments, and, where necessary, independent, conceivably international cooperative assessments, shall be conducted.

Each DoD Component with S&T/R&E responsibilities has the authority to issue implementing policy directives for the DoD 5000 series, and may have done so. Consult with the appropriate DoD Component international programs organization to determine if any further international S&T/R&E guidance is contained in such policy directives.

3.3 DEFINITIONS

Battlespace

The environment, factors, and conditions that must be understood to successfully apply combat power, protect the force, or complete the mission. This includes the air, land, sea, space, and the included enemy and friendly forces; facilities; weather; terrain; the electromagnetic spectrum; and the information environment within the operational areas and areas of interest. See also electromagnetic spectrum; information environment; joint intelligence preparation of the battlespace.

Dictionary of Military and Associated Terms. US Department of Defense 2005

***Component Acquisition
Executive (CAE)***

CAEs for each of the Components are the Secretaries of the Military Departments, or Heads of Agencies with power of re-delegation. The CAEs, or designees, are responsible for all acquisition matters within their respective Components. For the Army, the CAE is the Assistant Secretary for Acquisition, Logistics, and Technology; for the Navy, it is the Assistant Secretary for Research, Development and Acquisition; and for the Air Force, it is the Assistant Secretary for Acquisition.

***Cooperative Opportunities
Document (COD), or
Technology Development
Strategy (TDS) or
Acquisition Strategy (AS)
Section 10 International
Involvement***

Per 10 USC 2350a,* cooperative opportunities are pursued to improve, through the application of emerging technology, the conventional defense capabilities of the North Atlantic Treaty Organization or the common conventional defense capabilities of the United States and a specified country (or countries).

Potential cooperative opportunities (in CODs, TDS' and AS') must address these questions:

- Are there any similar projects in development or production by one or more major allies of the U.S.?
- Could any of these projects satisfy, or be modified in scope, so as to satisfy the U.S. military requirements?
- What are the advantages and disadvantages of trying to structure a cooperative development program? Things such as technology sharing, cost, schedule, performance and interoperability/standardization should be addressed.
- What are the opportunities for alternative forms of cooperation such as FMS coproduction, licensed

* 10 USC 2350a, subsection (a)(2) refers to the following:
(2) The countries and organizations with which the SECDEF may enter into a memorandum of agreement (or other formal agreement) under paragraph (1) are as follows:
(A) The North Atlantic Treaty Organization.
(B) A NATO organization.
(C) A member nation of the North Atlantic Treaty Organization.
(D) A major non-NATO ally.
(E) Any other friendly foreign country.

production, component/sub-component co-development or incorporation of subsystems from allied sources and what are the advantages and disadvantages?

If cooperative opportunities or international alternatives exist that would contribute to the Materiel Solution Analysis (MSA) Analysis of Alternatives (AoA), a standalone COD may be developed for and analyzed via the MSA AoA in competition with all other alternatives.

At Milestone A, TDS, and Milestone B and C AS, cooperative opportunities or international alternatives must be incorporated the TDS/AS section 10 International Involvement and address the following:

- International Cooperation.
 - Summarize any plans for cooperative development with foreign governments or cognizant organizations. List the MOAs in place and identify the contracting activities.
 - Summarize plans to increase the opportunity for coalition interoperability as part of the developing DoD program.
 - Employ the AT&L-developed Cooperative Interoperability Section template (see Defense Acquisition Guidebook) to address any cooperative opportunities. Using the template will satisfy the cooperative opportunities document requirement of 10 USC 2350a:

- Indicate any limitations on foreign contractors being allowed to participate at the prime contractor level.
- Foreign Military Sales. Specify potential or plans for Foreign Military and/or Direct Commercial Sales and the impact upon program cost due to program protection and exportability features.

Defense Acquisition Executive (DAE)

The DAE is the USD(AT&L) who has responsibility for supervising the Defense Acquisition System. The DAE takes precedence on all acquisition matters after the Secretary and the Deputy Secretary.

Defense Acquisition System

The management process by which the Department of Defense provides effective, affordable, and timely systems to the users.

Defense Exportability Features (DEF) Pilot Program

DEF, established in the fiscal year 2011 National Defense Authorization Act, provided funding for developing and incorporating technology protection features into a system or subsystem during its research and development phase, which allows exportable versions of a system or subsystem could be sold earlier in the Production and Development phase.

Interoperability

Interoperability is the ability of systems, units, or forces to provide and accept data, information, materiel, and services to and from other systems, units, and forces and effectively interoperate with other U.S. Forces and coalition partners.

Initial Capabilities Document (ICD)

The ICD is a broad, time-phased, operational goals focused description of requisite defense capabilities. An approved ICD is required for entrance into the Materiel Solution Analysis Phase.

International Cooperative Program

Any technology (R&E/S&T) project or acquisition program (Technology Development Strategy and/or Acquisition Strategy)

that includes participation by one or more foreign nations, through an international agreement, prior to or during any phase of a system's life cycle. All international cooperative programs shall consider applicable U.S.-ratified materiel international standardization agreements, and fully comply with foreign disclosure and program protection requirements.

Joint Requirements

Oversight Council (JROC)

The JROC is the body that validates a proposed Initial Capabilities Document (ICD). It is headed by the Vice-Chairman of the Joint Chiefs of Staff. Its members are the Vice Chiefs of the MILDEPs and the Assistant Commandant of the Marine Corps. When the ICD demonstrates the need for a materiel solution, the JROC shall recommend that the MDA consider potential materiel solutions.

Milestone Decision

Authority (MDA)

The MDA is the designated individual with overall responsibility for a technology project or acquisition program. The MDA shall have the authority to approve entry of a technology project or an acquisition program into the appropriate or next phase of the acquisition process and shall be accountable for cost, schedule, and performance reporting to higher authority, including Congressional reporting.

Research and Engineering

Most often we connect the terms and hear the phrase **research and development (R&D)**, which refers to creative work undertaken on a systematic basis in order to increase the stock of knowledge, and the use of this stock of knowledge to devise new, in DoD's case, weapons systems.

Research and development refers to using science to develop particular technologies and when the phrase contains **engineering**, it includes the design of things, such as the design, planning, construction, and maintenance of buildings, machines and other manufactured things; and is usually carried out as a

governmental or commercial activity.

S&T/R&E, for current force weapons systems' improvements and future force advanced weapons systems design and development is crucial to a nation's defense. In a world where battlespace (land, sea, air and space) changes quickly, and nations must continually revise their weapons systems' designs and capabilities, state-of-the-art S&T/R&E sustain battlespace technological superiority. This is driven not only by continuously evolving technologies and developments, but also by competition among potential adversaries. Even with a robust R&D program, most nations rely on strategic alliances, coalitions, networks and/or acquisitions to tap into the innovations of others to sustain battlespace technological superiority.

Science and Technology

Science refers to a way of pursuing knowledge, and not the knowledge itself. It is often treated as synonymous with 'natural and physical science', and thus restricted to those branches of study that relate to the phenomena of the material universe and their laws.

Technology is the use science in the making, usage, and knowledge of tools, machines, techniques, crafts, systems or methods of organization in order to solve a problem or perform a specific function. It can also refer to the collection of such tools, machinery, and procedures. Technologies significantly affect a military's capability to control and adapt to an ever changing battlespace.

R&E/S&T Technology Projects

Directed, funded efforts that provide newly, improved, or evolutionarily developed R&E/S&T in response to an approved dynamic or potential warfighter R&E/S&T need.

Following are some of the R&E/S&T activities that facilitate and

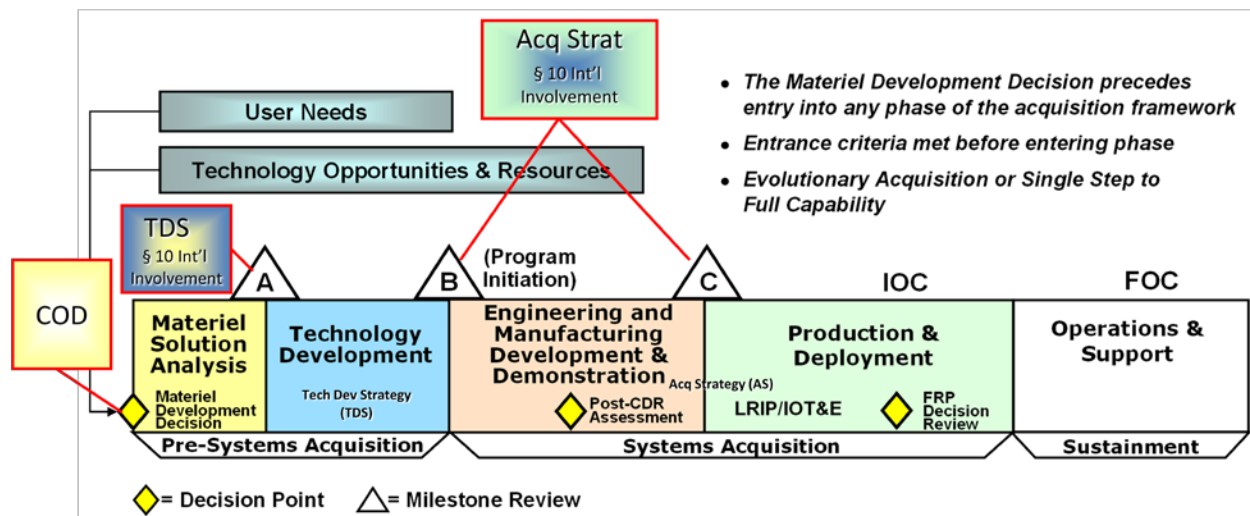
provide pre and post entry into the Defense Acquisition Management System joint technology and capability definition, development, experimentation, refinement, testing, and transition: Joint Experimentation, Defense Advanced Research Projects Agency projects, the Technology Transition Incentive Program, SBIR and Small Business Technology Transfer Programs, the Joint Integration & Interoperability Program, Joint Capability Technology Demonstrations, the Coalition Warfare Program, the Quick Reaction Special Projects/Rapid Reaction Fund, Foreign Comparative Testing, the Joint Test & Evaluation Program, the Joint Improvised Explosive Devices Defeat Office, the Rapid Reaction Technologies Office, and Defense Biometrics.

The USD(AT&L) shall be the MDA for those projects that, if successful, will likely result in an MDAP or MAIS program unless the USD(AT&L) delegates milestone decision authority for a MAIS program.

Contact MILDEP IPOs for other MILDEP specific pre and post entry into the Defense Acquisition Management System R&E/S&T projects.

Technology Roadmap

A plan that matches short-term and long-term goals with specific technology solutions to help meet those goals. It is a plan that applies to a new product or process, or to an emerging technology. Developing a roadmap has three major uses. It helps reach a consensus about a set of needs and the technologies required to satisfy those needs; it provides a mechanism to help forecast technology developments and it provides a framework to help plan and coordinate technology developments.



International Cooperation in Acquisition, Technology & Logistics

MSA: AoA-COD • Ch 3 IC in Technology • Ch 13 IEP • Ch 14 Personnel Exchanges Assigns • Id Int'l Partners – Ch 11	TDS § 10 Int'l Involvement • Ch 3 IC in Technology • Ch 6 IC in T&E • Ch 12 Int'l Agmnts • Ch 14 Pers Ex/Assigns	AS § 10 Int'l. Involvement • Ch 4 IC in Acquisition • Ch 6 IC in T&E • Ch 8 Int'l Def Trad/Ind Coop • Ch 14 Pers Exchs / Assigns	AS § 10 Int'l. Involvement • Chs 4 (Coop Prod) 6, 8, 14 • SAMM: FMS, DCS, FMS Co-Prod, Licensed Prod	Life Cycle Management • Ch 5 IC in Logistics • SAMM: FMS, DCS
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Pre-Acq Protect Strategy • Ch 7 Technology Security & Foreign Disclosure	Acquisition Protection Strategy • Ch 7 TS&FD	TS & FD Assessment and Decision Making Export Licensing: Marketing → TAA → MLA → DA → Retransfer	
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TAA: Technical Assistance Agreement, MLA: Manufacturing License Agreement; DA: Distribution Agreement

Figure 3-1, The Defense Acquisition Management System with IC in AT&L

3.4 GUIDANCE FOR INTERNATIONAL COOPERATION IN RESEARCH AND ENGINEERING, AND SCIENCE AND TECHNOLOGY

3.4.1 International R&E/S&T Considerations Prior to Entry into the Defense Acquisition Management System

The DoD Research and Engineering (R&E)/Science and Technology (S&T) community pursues world-class R&E/S&T to enhance the warfighting capabilities of U.S., allied and coalition military forces, and to improve joint and coalition force operations. These R&E/S&T projects support the Department's goals to restore balance between current and future force demands by providing new technologies to enhance upgrades and modernization of Current Force systems while discovering and/or leveraging and enabling emerging technologies and new capabilities for uncertain future battlespaces and Future Force systems.

Taking the above into consideration, the Department has identified seven current priorities:

- **Autonomy**: The U.S. requires defense systems that can do more with less human-intensive tasks. The next-generation of autonomous systems represent an improvement over today's capabilities, but are still too fragile for complex, uncertain, unstructured environments and complex missions.

Bottom line: human involvement is still required with autonomous systems in order to deal with the unexpected.

The next level of autonomy requires systems that comprehend their environments and relevant aspects of the battlespace in the context of the commander's intent and objectives and, when necessary, in collaboration with human teammates.

- **Counter Weapons of Mass Destruction**: Weapons of mass destruction (WMD) continue to pose a significant threat to the homeland and U.S. interests overseas. Pursuing this mission requires advancing detection and attribution capabilities across the spectrum of chemical, biological, radiological, nuclear and high yield explosives (CBRNE). A comprehensive WMD defeat program requires U.S. Armed Forces, allies and coalition partners to be able to detect and interdict WMD before deployment and attribute the source of WMD material in the event of use.
- **Cyber Sciences**: Cyber warfare poses a significant threat to U.S. and coalition military capabilities: determined cyber foes can threaten our global logistics network, steal our operational plans, blind our intelligence capabilities, spoof or intercept our drones or hinder our ability to deliver weapons on target. The frequency and sophistication of intrusions into U.S. military computers, information systems, and communications networks have increased significantly. Dominance across the full spectrum of operations within the cyberspace warfighting domain is essential if U.S., allied and coalition forces are to maintain a strategic advantage.
- **Data-to-Decisions (D2D)**: Shortening the Cycle Time from Data Gathering to Decisions. Nearly all national defense missions involve Decision Support Systems—systems that aim to decrease the cycle time from the gathering of data to some operational decision. Proliferation of sensors and large data sets are

overwhelming analysts, as they lack the tools to efficiently process, store, analyze, and retrieve vast amounts of data.

Current development cycles are drawn out, vertically-integrated, and do not keep pace with changing countermeasures and threats. Technical challenges include diverse data storage methods, including embedded systems, grid clusters, and cloud computing, and the limitations of existing computational, analytic, hardware, and software infrastructures.

- **Electronic Warfare/Electronic Protection:** Enhancing the Electromagnetic Spectrum as a Military Domain. The U.S., its allies and coalition partners face a rise in the global availability of high performance electronic component technologies. In recent years, this availability has enabled adversaries to significantly advance their capabilities for operating across the Electromagnetic Spectrum (EMS). The proliferation of wireless communications and sensing systems is also causing the spectrum to become increasingly congested. However, the increasing capabilities of microelectronics, both for digital processing and analog devices, means that these challenges can be met with more sophisticated engineered solutions.
- **Engineered Resilient Systems:** Transforming Engineering Design to Assure Trustworthy and Adaptive Systems. The U.S. its allies and coalition partners face new, 21st century challenges to designing and building defense systems. These include constraints and vulnerabilities of the global supply chain, rapidly changing user needs, and an uncertain operational future.
- **Human Systems:** Improving Human-Centric Components of Military Operations. Recent and on-going conflicts have revealed the need to balance the technological focus of warfare with the human dimension of armed conflict. The effective operation of our forces depends on understanding human systems across multiple domains, including decision support, threat assessment, and socio-cultural analysis to understand human and population reactions and dynamics.

The above will be addressed through three types of S&T/R&E investments: 1) far-term, basic research for discovery and understanding of phenomena; 2) mid-term, applied research

laboratory and human concept demonstrations; and 3) near-term, advanced technology development demonstrations and experimentation in relevant environments outside the laboratory.

These technology demonstrations validate technology concepts and military capabilities that enhance combat developments and demonstrate to the DoD acquisition community evidence of a technology's readiness to satisfy machine and human system requirements. Thus, the DoD R&E/S&T community supports meeting the challenges of an ever-evolving battlespace by:

(1) Demonstrating that warfighters benefit today from technologies that emerged from past investments and international R&E/S&T cooperative projects and/or acquisition programs.

(2) By leveraging warfighters' experiences and expertise, developing R&E/S&T solutions to unforeseen problems encountered during current operations.

(3) The rapid development, maturation and transition of technologies as a result of ongoing R&E/S&T efforts impacted by current conventional and asymmetric battlespace evolutions.

(4) Improving capabilities for future combat systems by developing, maturing and transitioning advanced technologies that demonstrate a required technology readiness level.

Thus, Pre-Defense Acquisition Management System, S&T/R&E domestic and international cooperative opportunities are identified, executed and consummated via technology projects such as those found in this Section's DEFINITIONS, R&E/S&T *Technology Projects*, as well as the appropriate sections of Chapter 11, *MULTILATERAL AND BILATERAL INTERNATIONAL FORUMS AND ACTIVITIES*, Chapter 13, *INFORMATION EXCHANGE PROGRAM*, Chapter 14, *PERSONNEL EXCHANGES AND ASSIGNMENTS*.

In addition, there are several important mechanisms available to provide insight into the R&E/S&T needs of potential foreign partners:, international forums, studies, exchanges of information and personnel, and technical and/or exploratory discussions.¹⁹

¹⁹ These mechanisms may also be used to provide insight into the needs of foreign partners in all phases of the Defense Acquisition Management System as well.

3.4.1.1 International Forums

There are many international forums, conferences, and seminars dedicated to discussing mutual capability needs and technology projects. These forums include:

- NATO's: Science and Technology Organization²⁰. See Chapter 11, Section 11.3.5.6
- Australia, Canada, New Zealand, United Kingdom and United States (AUSCANNZUKUS) Forums. See Chapter 11, Sections 11.4.2 – 11.4.7.
- In addition there are at least thirty bilateral forums, such as the U.S.-Japan Systems and Technology Forum and the U.S. / Canadian Armaments Cooperation Management Committee that have a similar purpose. Some are also explained in more detail in Chapter 11; for other bilateral means that foment IC in AT&L consult your DoD Component's international program office.

3.4.1.2 Studies

It is normal for the Department of Defense and potential international partners to conduct studies before entering into an international cooperation in technology project. These studies can be conducted years before the start of a project, and are often called feasibility studies or even pre-feasibility studies earlier on. These studies are carried out by industry or government agencies, or a combination of both, with the object of providing a technical appraisal of the feasibility of developing and producing technology roadmaps or equipment. These studies can develop input for: a) technology roadmaps and/or projects to include IC in Technology bilateral/multilateral agreements that support such roadmaps/projects, b) cooperative opportunities documents (CODs), and c) the Analysis of Alternatives (AoA)²¹ required by Department of Defense Materiel Solution Analysis.

3.4.1.3 International Exchanges of Information and Personnel²²

A common source for IC in technology opportunities identification is the Defense

²⁰ As of July 2012, the RTO becomes the STO IAW NATO agencies reform effort.

²¹ Usually CODs, according to statute, would be considered in the Materiel Solution Analysis/ Materiel Development Decision AoA.

²² To include the assignments of liaison and cooperative project/program personnel (CPP).

Research, Development, Test and Evaluation Information Exchange Program (IEP), which provides a standardized way of conducting bilateral S&T/R&E information exchange. The IEP has proven extremely useful as a means of cooperative opportunities formulation for inclusion in the MSA or International Involvement section of the Technology Development Strategy.

Another source for identifying IC in technology is the Defense Personnel Exchange Program (DPEP), which encompasses all programs that involve the placement of foreign nationals in positions with the DoD Components defense establishments in exchange for the placement of DoD personnel in positions with foreign government defense establishments. These exchanges of personnel include many disciplines, to include science, technology, research, engineering. See Chapters 13 and 14, respectively, for more specific information on these programs.

3.4.1.4 Technical and/or Exploratory Discussions (TED)

Before entering into an international cooperative project, there are many forms of dialogue that can take place with potential partners. These informal discussions are usually called exploratory or technical discussions, which could result from 3.4.1.1 – 3.4.1.3 activities, or anything but “negotiations,” – which require a legal authority and formal permission from OSD unless delegated to DoD Component international programs office for selected international agreements. TED discussions are characterized by the avoidance of any binding commitments on the U.S. Government, and the lack of any draft international agreements. Otherwise, most anything may be discussed just as long as disclosure (oral, visual and/or documentary) authority has been obtained for any information provided by DoD representatives or defense contractors; defense contractors must also ensure that they comply with the provisions of the DoS International Traffic in Arms Regulations and Department of Commerce (DoC) Export Administration Regulations.

3.4.2 International R&E/S&T Considerations upon Entry into The Defense Acquisition Management System

International R&E/S&T projects are a consideration and may be initiated at any point in the defense acquisition management system (see Figure 1. of DoD Instruction 5000.02, “Operation of the Defense Acquisition System”), whenever it is a prudent business decision. Key considerations for international cooperative opportunities are shown below in the context of the system.

3.4.2.1 International R&E/S&T Considerations During Pre-Systems Acquisition/Materiel Solution Analysis Phase

The efforts, needed to identify cooperative technology development opportunities before entering into a formal acquisition program, are often challenging, but such activities, to include those spelled out in section 3.4.1 (R&E/S&T) eventually may produce high payoffs in cost savings and interoperability when successful. Formulation of cooperative technology projects involves resolution of issues in the areas of technology harmonization or Technology Roadmap(s) development and/or harmonization, cost share, work share, technology transfer, intellectual property rights, etc. Cooperative opportunities identification and formulation should be pursued during the earliest phase of Pre-Systems Acquisition or, as noted in section 3.4.1, even earlier in order to maximize the chance for success. In this regard a Cooperative Opportunities Document should be developed and considered in the Materiel Solution Analysis, Analysis of Alternatives; see section 3.3.

The DoD Component shall remain responsible for preparation and approval of most statutory, regulatory, and contracting reports and other Materiel Solution Analysis/Materiel Development Decision requirements.

3.4.2.2 International R&E/S&T Considerations During Pre-Systems Acquisition/Technology Development Phase

Historically, the Department of Defense routinely transitioned immature technologies into its acquisition programs, thereby resulting in significant schedule delays, cost growth, and performance issues. As a result the DoDI 5000.02 spelled out the requirement for a Technology Development Strategy (TDS); that is, a TDS designed to ensure that systems' required technologies attained the needed Technology Readiness Level or prototype for transition to its acquisition program and the Acquisition Strategy at Milestone B. Engineering and Manufacturing Development.

The TDS process promotes early, active and ongoing involvement and collaboration among technology developers, acquisition program offices, and user representatives to establish a comprehensive TDS divided into smaller, manageable stages that will timely mature technologies. Even though this necessitates more upfront planning, such a well-conceived TDS

will mature technologies to the required TRLs or prototype(s) while laying the ground work and support for the development of the Acquisition Strategy and program initiation at Milestone B.

To develop a TDS, the DoD Components using the JCIDS process, and representatives from multiple DoD communities formulate broad, time-phased, operational goals, and describe requisite capabilities in the Initial Capabilities Document (ICD). They examine multiple concepts and materiel approaches to optimize the way the DoD provides these capabilities. Entrance into Pre-Systems Acquisition requires an analysis of potential concepts across the DoD Components, international systems from allies, and cooperative opportunities.

There are several important mechanisms available to provide insight into the needs of potential foreign partners: international forums, studies, exchanges of information and personnel, and TED; see sections 3.4.1.1 – 3.4.1.4 above.

Decisions made during the Materiel Solution Analysis and Technology Development phases of Pre-Systems Acquisition generally define the nature of the entire program. Once the program enters the Engineering and Manufacturing Development phase, it is difficult to adopt major changes without significant schedule or cost adjustments. Thus, the importance of attention to detail regarding the work envisioned in this chapter; such as:

3.4.2.2.1 Defense Exportability Features (DEF) Pilot Program.

Prior to the Engineering and Manufacturing Development Phase, acquisition programs should investigate the necessity and feasibility (from cost, engineering, and exportability perspectives) of the design and development of differential capability and enhanced protection of exportable versions of the system or subsystem(s).

1. Therefore, during the Technology Development Phase, DEF projects would develop and incorporate technology protection features into a system or subsystem; see DASD (SE) [*Program Protection Plan Outline & Guidance*](#), Section 8.0. Foreign Involvement, July 2011. *By doing this, exportable versions of a system or subsystem could be sold earlier in the Production and Development phase, thereby (1) enabling capability to be available to allies and friendly countries more rapidly and (2) lowering the unit cost (BBP) of DoD procurements.*

2. Acquisition programs' DEF candidates may be considered for the DEF pilot program via nominations from the DoD components. AT&L / International Cooperation (IC) is available for consultation regarding potential DEF candidate nominations. After a favorable preliminary assessment of exportability and differential capability / program protection needs, AT&L / IC will approve DEF candidates. Specific differential capability / program protection requirements will be determined by DoD technology security, foreign disclosure, anti-tamper processes. With sufficient industry and government support, a feasibility study or the Technology Development Strategy's section 10 International Involvement, will determine the cost to implement the differential features and the associated design specifications.

If a DEF candidate is pre-Milestone A, the feasibility study or AoA results should be incorporated into the appropriate technology development requests for proposal (RFPs) and contracts. Otherwise, see chapter 4.

3.4.2.2.2 International Cooperation Considerations in Technology Development Strategy

To meet the requirements of Section 2350a(e) of Title 10 United States Code, the Technology Development Strategy prepared for Milestone A, Principal Deputy Under Secretary of Defense memorandum, dated [April 22, 2011, SUBJECT: Document Streamlining - Program Strategies and Systems Engineering Plan](#), provides the required outline for the Technology Development Strategy(TDS) at Milestone A, and the Acquisition Strategy (AS) at Milestone B. This TDS/AS outline includes a section 10. International Involvement, which must be addressed in the TDS and AS, following is the TDS/AS outline section 10 language:

10. International Involvement²³

10.1.Indicate any limitations on foreign contractors being allowed to participate at the prime contractor level.

10.2.International Cooperation.

10.2.1. Summarize any plans for cooperative development with foreign governments or cognizant organizations. List the MOAs in place and identify the contracting activities.

10.2.2. Summarize plans to increase the opportunity for coalition interoperability as part of the developing DoD program.

²³ This section of the TDS alleviates the need for a separate COD to be developed for Milestone A.

10.2.3. Employ the AT&L-developed [template](#)²⁴ to provide a coalition interoperability section in the Acquisition Strategy. Using the template will satisfy the cooperative opportunities document requirement of 10 USC 2350a.

10.3. Foreign Military Sales. Specify the potential or plans for Foreign Military and/or Direct Commercial Sale and the impact upon program cost due to program protection and exportability features.

These considerations are based on in Section 2350a of Title 10 United States Code requirements. They encourage the consideration of alternative forms of international cooperation. Even if cooperative development is impractical, standards development, cooperative production, Foreign Military Sales, licensed production, component/subcomponent co-development or incorporation of subsystems from allied or friendly foreign sources should be considered where appropriate. DoD Components should fully investigate potential cooperative opportunities as part of the Technology Development Strategy development. Program proponents should consult with the appropriate international programs organization to obtain assistance in addressing international considerations during the development of the Technology Development Strategy.

3.5 SUMMARY

International cooperative projects offer the opportunity to access the best technology and achieve cost savings from the earliest phases of Pre-Systems Acquisition throughout the life cycle, while attaining interoperability with coalition partners. All DoD acquisition personnel, in consultation with the appropriate international programs organizations, should strive to identify and pursue international cooperative programs in accordance with defense acquisition policy.

3.6 REFERENCES

1. [Title 10 U.S.C. Section 2350a](#), *Cooperative Research and Development Agreements*
2. [National Defense Authorization Act](#), Section 1251, FY2008
3. [Program Protection Plan Outline & Guidance](#), DASD (SE) July 2011
4. [DoD Directive 5000.01](#), *The Defense Acquisition System*, May 12, 2003.
5. [DoD Instruction 5000.02](#), *Operation of the Defense Acquisition System*, December 8, 2008
6. [DoDI 5134.3](#), *Director, Defense Research and Engineering*, November 3, 2003
7. [DoD Instruction 2010.06](#), *Materiel Interoperability and Standardization with Allies and Coalition Partners*, July 29, 2009

²⁴ URL: <https://acc.dau.mil/GetAttachment.aspx?id=288191&pname=file&aid=44021&lang=en-US>

8. [*Defense Acquisition Guidebook*](#), *updated monthly*
9. [DoD Instruction 2000.20](#), “Cooperative Logistics Supply Support Arrangements,” August 29, 2005
10. [DoD Directive 2010.9](#), *Acquisition and Cross-Servicing Agreements*, April 28, 2003.
11. [Technology Readiness Assessment \(TRA\) Deskbook](#), July 2009

CHAPTER 4: INTERNATIONAL COOPERATION IN ACQUISITION

4.1 INTRODUCTION

A key objective of international cooperation in acquisition is to reduce weapons system acquisition costs through cooperative development, production and support; and Foreign Military and Direct Commercial Sales. According to current defense guidance Program Managers shall pursue IC in Acquisition to the maximum extent feasible, consistent with core business practices and with the overall political, economic, technological, and national security goals of the United States. Defense acquisition policy mandates that interoperability shall apply within and among U.S. Forces and U.S. coalition partners. A cooperative development program with one or more allied nations is preferred to a new joint Component or Government Agency development program, or a new DoD Component-unique development program. During the development of the Acquisition Strategy for a new program, the potential for international cooperative research, development, production and logistic support should be addressed in accordance with 10 U.S.C. 2350(a).

The *potential for international cooperation* must be considered in (prior to entry into the Defense Acquisition Management System) Research and Engineering (R&E) and Science and Technology (S&T) development, and afterwards in every phase of Pre-Systems Acquisition (See Chapter 3.) and Systems Acquisition (this chapter) of the Defense Acquisition Management System.

This chapter discusses the acquisition process and presents the considerations, options, and requirements that exist for identifying international cooperative opportunities within the defense acquisition management system. Government program management and industrial structures, and acquisition strategies' development also are presented in this chapter. Also provided are definitions and terms pertaining to IC in Acquisition, the legal and policy basis for these efforts and the potential for cooperative opportunities within all phases of the acquisition process.

4.2 LEGAL AND POLICY BASIS

4.2.1 Legal Basis

Title 10 U.S.C. 2350a (e) requires an analysis of potential international cooperative opportunities. The National Defense Authorization Act Fiscal Year 2008, Sec. 1251. Cooperative Opportunities Documents Under Cooperative Research And Development Agreements With NATO Organizations And Other Allied And Friendly Foreign Countries, amended 10 U.S.C. 2350a (e) to clarify the requirement for the preparation of a cooperative opportunities document before the first milestone or decision point see sections 3.4.2.1 and 3.4.2.2.2; see *Figure 3-1The Defense Acquisition Management System*.

4.2.1 Policy Basis

DoD Directive 5000.01 and DoD Instruction 5000.02 govern the defense acquisition system. Collectively, the DoD 5000 series specifies the overarching principles, policy, conditions, and procedures for program approval and progress through the milestones of the defense acquisition management system. Specific requirements regarding various international considerations, including armaments cooperation, are also contained in the DoD 5000 series; some examples include:

DoDD 5000.01 policy states that PMs shall pursue international armaments cooperation to the maximum extent feasible, consistent with sound business practice and with the overall political, economic, technological, and national security goals of the United States.

DoDD 5000.01 also mandates that interoperability shall apply within and among U.S. Forces and U.S. coalition partners. The Directive further states that systems, units, and forces shall be able to provide and accept data, information, materiel, and services to and from other systems, units, and forces and shall effectively interoperate with other U.S. Forces and coalition partners.

DoDI 5000.02 policy states that promising technologies shall be identified from all sources domestic and foreign, including government laboratories and centers, academia, and commercial sector.

DoDI 2010.06 policy states that:

- Equipment procured for U.S. forces in NATO, other allied, and coalition operations be standardized or at least interoperable with the equipment of allies and coalition partners.
- Materiel interoperability with allies and coalition partners shall adhere to the Defense Standardization Program.
- The Department shall comply, to the maximum extent feasible, with materiel international standardization agreements ratified by the United States, subject to systems engineering tradeoffs under DoDI 5000.02.

Amplifying guidance and information on international considerations pre and post entry in the Defense Acquisition Management System are also contained in the *Defense Acquisition Guidebook*.

Each DoD Component with acquisition responsibilities has the authority to issue implementing policy directives for the DoD 5000 series, and may have done so. Consult with the appropriate DoD Component international programs organization to determine if any further international acquisition guidance is contained in such policy directives.

4.3 DEFINITIONS

Description and Decision Authority for Acquisition Category (ACAT) Programs
(See [DoDI 5000.02](#) Enclosure 3 for more details)

Acquisition Category	Reason for ACAT Designation	Decision Authority
ACAT I	<ul style="list-style-type: none">• MDAP (section 2430 of title 10 U.S.C.)<ul style="list-style-type: none">○ Dollar value: estimated by the USD(AT&L) to require an eventual total expenditure for research, development, test and evaluation (RDT&E) of more than \$365 million in fiscal year (FY) 2000 constant dollars or, for procurement, of more than \$2.190 billion in	ACAT ID: USD(AT&L) ACAT IC: Head of the DoD Component or, if delegated, the DoD Component Acquisition Executive (CAE) (not

	FY 2000 constant dollars	further delegable)
	<ul style="list-style-type: none"> ○ MDA designation • MDA designation as special interest 	
ACAT IA See Notes 1&2	<ul style="list-style-type: none"> • MAIS (Chapter 144A of 10 U.S.C.): A DoD acquisition program for an Automated Information System See Note 3 (either as a product or a service) that is either: <ul style="list-style-type: none"> ○ Designated by the MDA as a MAIS; or ○ Estimated to exceed: <ul style="list-style-type: none"> ▪ \$32 million in FY 2000 constant dollars for all expenditures, for all increments, regardless of the appropriation or fund source, directly related to the AIS definition, design, development, and deployment, and incurred in any single fiscal year; or ▪ \$126 million in FY 2000 constant dollars for all expenditures, for all increments, regardless of the appropriation or fund source, directly related to the AIS definition, design, development, and deployment, and incurred from the beginning of the Materiel Solution Analysis Phase through deployment at all sites; or ▪ \$378 million in FY 2000 constant dollars for all expenditures, for all increments, regardless of the appropriation or fund source, directly related to the AIS definition, design, 	ACAT IAM: USD(AT&L) or designee ACAT IAC: Head of the DoD Component or, if delegated, the CAE (not further delegable)

development, deployment, operations and maintenance, and incurred from the beginning of the Materiel Solution Analysis Phase through sustainment for the estimated useful life of the system.

- MDA designation as special interest

ACAT II	<ul style="list-style-type: none"> • Does not meet criteria for ACAT I • Major system <ul style="list-style-type: none"> ○ Dollar value: estimated by the DoD Component Head to require an eventual total expenditure for RDT&E of more than \$140 million in FY 2000 constant dollars, or for procurement of more than \$660 million in FY 2000 constant dollars (section 2302d of title 10 U.S.C.) ○ MDA designation⁴ (paragraph (5) of section 2302 of title 10 U.S.C.) • MDA designation as special interest 	<p>CAE or the individual designated by the CAE</p> <p>See Note 4</p>
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ACAT III	<ul style="list-style-type: none"> • Does not meet criteria for ACAT II or above • AIS that is not a MAIS 	<ul style="list-style-type: none"> • Designated by the CAE See Note 4
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Notes:

1. In some cases, an ACAT IA program, as defined above, also meets the definition of an MDAP. The USD(AT&L) shall be the MDA for such programs unless delegated to a DoD Component. The statutory requirements that apply to MDAPs and MAIS shall apply to such programs.
2. The MDA (either the USD(AT&L) or, if delegated, the DoD CIO or another designee) shall designate MAIS programs as ACAT IAM or ACAT IAC. MAIS programs shall not be designated as ACAT II.
3. Automated Information System: A system of computer hardware, computer software, data or telecommunications that performs functions such as collecting, processing, storing, transmitting, and displaying information. Excluded are computer resources, both hardware and software, that are:

- a. an integral part of a weapon or weapon system;
 - b. used for highly sensitive classified programs (as determined by the Secretary of Defense);
 - c. used for other highly sensitive information technology programs (as determined by the DoD CIO); or
 - d. determined by the USD(AT&L) or designee to be better overseen as a non-AIS program (e.g., a program with a low ratio of RDT&E funding to total program acquisition costs or that requires significant hardware development).
4. As delegated by the Secretary of Defense or Secretary of the Military Department

Acquisition Program

A directed, funded effort that provides a new, improved, or continuing materiel, weapon or information system, or service capability in response to an approved need.

Battlespace

The environment, factors, and conditions that must be understood to successfully apply combat power, protect the force, or complete the mission. This includes the air, land, sea, space, and the included enemy and friendly forces; facilities; weather; terrain; the electromagnetic spectrum; and the information environment within the operational areas and areas of interest. See also electromagnetic spectrum; information environment; joint intelligence preparation of the battlespace.

Dictionary of Military and Associated Terms. US Department of Defense 2005

Component Acquisition Executive (CAE)

CAEs for each of the Components are the Secretaries of the Military Departments, or Heads of Agencies with power of re-delegation. The CAEs, or designees, are responsible for all acquisition matters within their respective Components. For the Army, the CAE is the Assistant Secretary for Acquisition, Logistics and Technology; for the Navy, it is the Assistant Secretary of Research, Development and Acquisition; and for the Air Force, it is the Assistant Secretary for Acquisition.

Cooperative Opportunities Document (COD), and Technology Development Strategy (TDS) and Acquisition Strategy (AS)

Per 10 USC 2350a,* cooperative opportunities are pursued to improve, through the application of emerging technology, the conventional defense capabilities of the North Atlantic Treaty Organization or the common conventional

***section 10 International
Involvement***

defense capabilities of the United States and a specified country (or countries).

Potential cooperative opportunities (in CODs, TDS' and AS') must address these questions:

- Are there any similar projects in development or production by

* 10 USC 2350a, subsection (a)(2) refers to the following:
(2) The countries and organizations with which the SECDEF may enter into a memorandum of agreement (or other formal agreement) under paragraph (1) are as follows:
(A) The North Atlantic Treaty Organization.
(B) A NATO organization.
(C) A member nation of the North Atlantic Treaty Organization.
(D) A major non-NATO ally.
(E) Any other friendly foreign country.

one or more major allies of the U.S.?

- Could any of these projects satisfy, or be modified in scope, so as to satisfy the U.S. military requirements?
- What are the advantages and disadvantages of trying to structure a cooperative development program?
Things such as technology sharing, cost, schedule, performance and interoperability/standardization should be addressed.
- What are the opportunities for alternative forms of cooperation such as FMS coproduction, licensed production, component/sub-component co-development or incorporation of subsystems from allied sources and what are the advantages and disadvantages?

If cooperative opportunities or international alternative exist that would contribute to the Materiel Solution Analysis (MSA) Analysis of Alternatives (AoA), a standalone COD may be developed for and analyzed via the MSA AoA in competition with all other alternatives.

At Milestone A, TDS, and Milestone B and C AS, cooperative opportunities or international alternatives must be incorporated the TDS/AS section 10 International Involvement and address the following:

- International Cooperation.
 - Summarize any plans for cooperative development with foreign governments or cognizant organizations. List the MOAs in place and identify the contracting activities.
 - Summarize plans to increase the opportunity for coalition interoperability as part of the developing DoD program.
 - Employ the AT&L-developed Cooperative Interoperability Section template (see Defense Acquisition Guidebook) to address any cooperative opportunities. Using the template will satisfy the cooperative opportunities document requirement of 10 USC 2350a:
- Indicate any limitations on foreign contractors being allowed to participate at the prime contractor level.
- Foreign Military Sales. Specify potential or plans for Foreign Military and/or Direct Commercial Sales and the impact upon program cost due to program protection and technology transfer.

<i>Defense Acquisition Executive (DAE)</i>	The DAE is the USD(AT&L) who has responsibility for supervising the Defense Acquisition System. The DAE takes precedence on all acquisition matters after the Secretary and the Deputy Secretary.
<i>Defense Acquisition System</i>	The management process by which the Department of Defense provides effective, affordable, and timely systems to the users.
<i>Interoperability</i>	Interoperability is the ability of systems, units, or forces to provide and accept data, information, materiel, and services to and from other systems, units, and forces and effectively interoperate with other U.S. Forces and coalition partners.
<i>Initial Capabilities Document (ICD)</i>	The ICD is a broad, time-phased, operational goals focused description of requisite defense capabilities. An approved ICD is required for entrance into the Materiel Solution Analysis Phase.
<i>International Cooperative Program</i>	Any technology (R&E/S&T) project or acquisition program (Technology Development Strategy and/or Acquisition Strategy) that includes participation by one or more foreign nations, through an international agreement, prior to or during any phase of a system's life cycle. All international cooperative programs shall consider applicable U.S.-ratified materiel international standardization agreements, and fully comply with foreign disclosure and program protection requirements.
<i>Joint Requirements Oversight Council (JROC)</i>	The JROC is the body that validates a proposed Initial Capabilities Document (ICD). It is headed by the Vice-Chairman of the Joint Chiefs of Staff. Its members are the Vice Chiefs of the MILDEPs and the Assistant Commandant of the Marine Corps. When the ICD demonstrates the need for a materiel solution, the JROC shall recommend that the MDA consider potential materiel solutions.

Milestone Decision

Authority (MDA)

The MDA is the designated individual with overall responsibility for a technology project or acquisition program. The MDA shall have the authority to approve entry of a technology project or an acquisition program into the appropriate or next phase of the acquisition process and shall be accountable for cost, schedule, and performance reporting to higher authority, including Congressional reporting.

4.4 GUIDANCE FOR INTERNATIONAL COOPERATION IN ACQUISITION²⁵

International cooperative opportunities should be identified at the first major milestone or decision point in the defense acquisition process. The first consideration is at entry into the Materiel Solution Analysis and Technology Development Phases (including the Technology Development Strategy, Milestone A); see Chapter 3.

If executed correctly, the Technology Development Phase Milestone A, Technology Development Strategy, that is, the Technology/Proto-Type(s) Readiness decision, should seamlessly feed Milestone B – the Program Initiation decision and the development of the Acquisition Strategy.

Upon entry into Systems Acquisition, MDAs recommend forming international cooperative projects/programs at entry into Program Initiation (Milestone B) based on the identification of an international project /program designated in the Acquisition Strategy section 10:

10. International Involvement

- 2.1. Indicate any limitations on foreign contractors being allowed to participate at the prime contractor level.

10.2. International Cooperation.

- 10.2.1. Summarize any plans for cooperative development with foreign governments or cognizant organizations. List the MOAs in place and identify the contracting activities.
- 10.2.2. Summarize plans to increase the opportunity for coalition interoperability as part of the developing DoD program.

²⁵ Also see sections 4.5 – 4.7.

10.2.3. Employ the AT&L-developed [template](#)²⁶ to provide a coalition interoperability section in the Acquisition Strategy. Using the template will satisfy the cooperative opportunities document requirement of 10 USC 2350a.

10.3. Foreign Military Sales. Specify the potential or plans for Foreign Military and/or Direct Commercial Sale and the impact upon program cost due to program protection and exportability features.

Heads of the DoD Components, Component Acquisition Executives or designees recommend forming international cooperative projects/programs in accordance with the above, and Chapter 12 of this Handbook. The MDA makes decisions in an attempt to establish an international cooperative program as early as possible in the acquisition process. DoD Components periodically review their programs to determine the potential for international cooperation between major milestones.

The USD(AT&L) or the applicable DoD Component makes the ultimate decision to pursue an international cooperative project/program. In conjunction with the above, the decision process should consider the following:

- Demonstrated best business practices, including a plan for effective, economical and efficient management of the international cooperative program.
- Demonstrated DoD Component willingness to fully fund their share of international cooperative program needs, and the partnering nation's commitment to equitably contribute to overall program cost.
- The long-term interoperability and political-military benefits that may accrue from international cooperation.
- The international program's management structure which is documented in the international agreement. The designated PM (U.S. or foreign) is fully responsible and accountable for the cost, schedule, and performance of the development system.

The DoD Component shall remain responsible for preparation and approval of most statutory, regulatory, and contracting reports and milestone requirements, as listed in Enclosure 3 of DoDI 5000.02. Specific examples are (the Technology Development Strategy (TDS) [Chapter 3]) and Acquisition Strategy (AS), Test and Evaluation Master Plan (TEMP), Acquisition Program Baseline (APB), and Program Protection Plan (PPP). Documentation for decision points

²⁶ URL: <https://acc.dau.mil/GetAttachment.aspx?id=288191&pname=file&aid=44021&lang=en-US>

and periodic reports shall flow through the DoD Component acquisition chain, supported by the participating nation(s), as required.

International cooperation can add stability to the program. DoD Components shall notify and obtain approval of the USD(AT&L) for ACAT ID or ACAT IAM programs before terminating or substantially reducing participation in international cooperative programs under signed international agreements. Furthermore, DoD Components shall not terminate or substantially reduce participation in international cooperative ACAT II or III programs under signed international agreements unless they have provided notification to the USD(AT&L). The USD(AT&L) may require the DoD Component to continue to provide some or all of the funding for that program in order to minimize the impact on the international cooperative program. Substantial reduction is defined as a funding or quantity decrease of 25% or more in the total funding or quantities in the latest President's Budget for that portion of the international cooperative program funded by the DoD Component seeking the termination or reduced participation.

4.4.1 Mechanisms for Identifying, Developing and Executing International Cooperation in Acquisition

In addition, there are several important mechanisms available to provide insight into the Acquisition needs of potential foreign partners: international forums, studies, exchanges of information and personnel, and technical and/or exploratory discussions.²⁷

4.4.1.1 International Forums

There are many international forums, conferences, and seminars dedicated to discussing mutual capability needs and technology projects. These forums include:

- NATO's Conference of National Armaments Directors (CNAD), see Chapter 11 Section 11.3.5.1. The CNAD's subsidiaries are the "Main Armaments Groups," particularly the NATO Army Armaments Group (NAAG), NATO Navy Armaments Group (NNAG), and the NATO Air Force Armaments Group (NAFAG).

²⁷ These mechanisms may also be used to provide insight into the needs of foreign partners not just at the very beginning of the acquisition process, but, also, in all phases of the Defense Acquisition Management System.

- Australia, Canada, New Zealand, United Kingdom and United States (AUSCANNZUKUS) Forums. See Chapter 11, Sections 11.4.2 – 11.4.7.
- In addition there are at least thirty bilateral forums, such as the U.S.-Japan Systems and Technology Forum and the U.S. / Canadian Armaments Cooperation Management Committee that have a similar purpose. For the full range of forums that foment IC in AT&L consult your DoD Component's international program office.

4.4.1.2 Studies

It is normal for the Department of Defense and potential international partners to conduct studies before entering into an IC in Acquisition program. These studies can be conducted years before the start of a project or program, and are often called feasibility studies or even pre-feasibility studies earlier on. These studies are carried out by industry or government agencies, or a combination of both, with the object of providing a technical appraisal of the feasibility of developing and producing equipment. These studies can develop input for: a) cooperative opportunities documents (CODs) for inclusion in the Analysis of Alternatives (AoA)²⁸ required by Department of Defense before the start of a new acquisition program.

4.4.1.3 International Exchanges of Information and Personnel²⁹

A common source for IC in Acquisition opportunities identification is the Defense Research, Development, Test and Evaluation Information Exchange Program (IEP), which provides a standardized way of conducting bilateral S&T/R&E information exchange. The IEP has proven extremely useful as a means of cooperative opportunities formulation. Another source for identifying IC in AT&L is the Defense Personnel Exchange Program (DPEP), which encompasses all programs that involve the placement of foreign nationals in positions with the DoD Components in exchange for the placement of DoD personnel in positions with foreign government defense establishments. These exchanges of personnel include many disciplines, such as science, technology, research, engineering, acquisition, logistics, administration, finance,

²⁸ Usually a COD will become an integral part of the Materiel Solution Analysis AoA.

²⁹ To include the assignments of liaison and cooperative project/program personnel (CPP).

health, legal, planning, programming and intelligence. See Chapters 13 and 14, respectively, for more specific information on these programs.

NOTE: However, today's Master/Umbrella RDT&E program (RDT&EP) agreements allow for both information and personnel exchanges and assignments because the U.S. statute covering the DPEP and CPP is the same. Therefore, the streamlined means for information and personnel exchange³⁰ would be directly under a RDT&E Master or Umbrella Agreement.

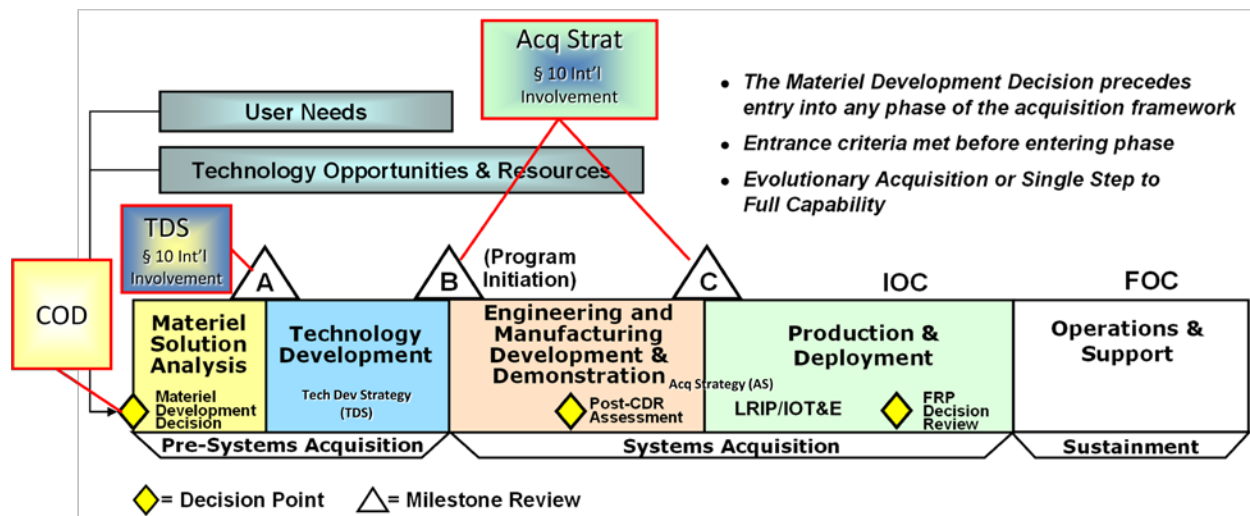
4.4.1.4 Technical and/or Exploratory Discussions (TED)

Before entering into an international cooperative project, there are many forms of dialogue that can take place with potential partners. These informal discussions are usually called exploratory or technical discussions, "TED," or anything but "negotiations," – which require a legal authority and formal permission from OSD unless delegated to DoD Component international programs office for selected international agreements. TED are characterized by the avoidance of any binding commitments on the U.S. Government, and the lack of any draft international agreements. Otherwise, most anything may be discussed just as long as disclosure (oral, visual and/or documentary) authority has been obtained for any information provided by DoD representatives or defense contractors; defense contractors must also ensure that they comply with the provisions of the DoS International Traffic in Arms Regulations and Department of Commerce (DoC) Export Administration Regulations.

4.4.2 International Considerations Upon Entry into the Systems Acquisition – Engineering and Manufacturing Development Phase

International programs are a consideration and may be initiated at any point in the defense acquisition management system (see Figure 1. of DoD Instruction 5000.02, "Operation of the Defense Acquisition System"), whenever it is a prudent business decision. Key considerations for international cooperative opportunities are shown below in the context of the system.

³⁰ That is acquisition-related Administrative and Professional Personnel and Engineers and Scientists Exchanges



International Cooperation in Acquisition, Technology & Logistics

MSA: AoA-COD •Ch 3 IC in Technology •Ch 13 IEP •Ch 14 Personnel Exchanges Assigns •Id Int'l Partners – Ch 11	TDS § 10 Int'l Involvement •Ch 3 IC in Technology •Ch 6 IC in T&E •Ch 12 Int'l Agmnts •Ch 14 Pers Ex/Assigns	AS § 10 Int'l. Involvement •Ch 4 IC in Acquisition •Ch 6 IC in T&E •Ch 8 Int'l Def Trad/Ind Coop •Ch 14 Pers Exchs / Assigns	AS § 10 Int'l. Involvement •Chs 4 (Coop Prod) 6, 8, 14 •SAMM: FMS, DCS, FMS Co-Prod, Licensed Prod	Life Cycle Management •Ch 5 IC in Logistics • SAMM: FMS, DCS
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Pre-Acq Protect Strategy •Ch 7 Technology Security & Foreign Disclosure	Acquisition Protection Strategy •Ch 7 TS&FD	TS & FD Assessment and Decision Making Export Licensing: Marketing → TAA → MLA → DA → Retransfer	
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TAA: Technical Assistance Agreement, MLA: Manufacturing License Agreement; DA: Distribution Agreement

Figure 4-1 The Defense Acquisition Management System

4.4.2.1 Government International Program Management Structures

There are three basic government program management structures for international cooperative projects: pilot/lead nation, integrated, and decentralized. Each basic structure is described in some detail below. Occasionally international programs are not purely cooperative, and conduct aspects of the program using the Foreign Military Sales Program. These are referred to as hybrid programs.

4.4.2.1.1 Pilot/Lead Nation

Under this structure the pilot/lead nation executes the program on behalf of the participating nations. Usually there is a steering committee comprised of high ranking representatives from the participating nations which provides varying degrees of overall management direction to the program office. A steering committee would satisfy U.S. legal requirements that the cooperative project be jointly managed, and is almost universally used in

trans-Atlantic projects. The use of liaison officers alone normally would not satisfy this legal requirement. The U.S. would likely be the pilot/lead nation under most situations, since the U.S. would be the major contributor of resources and technology. There is no example of an international program successfully completed where the U.S. participated under this structure, but was not the pilot/lead nation. This structure would be favorable to the efficiency of the program, as it allows maximum authority for the program manager to remain on schedule and within cost, especially if the program office exercises complete control over the contracting process.

The original F-16 aircraft program with the European Participating Governments used this structure. The Joint Strike Fighter, F-35, program uses the pilot/lead nation approach with modifications unique to the program.

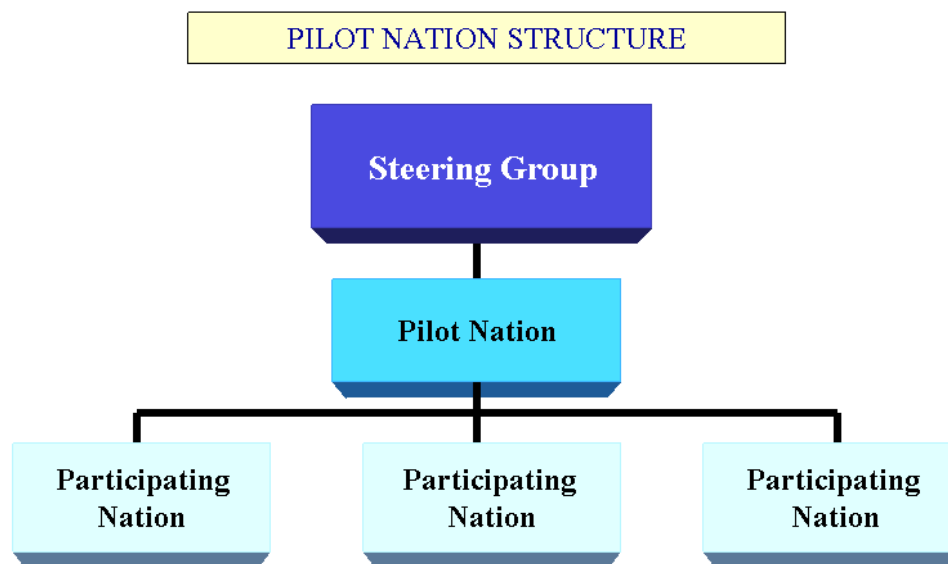


Figure 4-2 Pilot/Lead Nation Structure

4.4.2.1.2 Integrated

The integrated management structure, like the pilot/lead nation structure, would employ a steering committee comprised of high ranking representatives from the participating nations which provides varying degrees of overall management direction to the program office. Some programs employ an interleaving management committee between the steering committee and

the program management office. The main difference between this structure and the pilot/lead nation structure is found in the full internationalization of the program office and management structure. Within the integrated structure there could be a deputy program manager and department heads and staff from another participating nation or nations. While it is conceivable that the program manager could come from another nation, this would be completely impractical for any program where the U.S. is the dominant participant, both governmentally and industrially. Implicit in this structure is a stronger steering committee and greater international influence in the contracting process. The benefit would be a greater commitment to program success by all the participants.

Two of the most successful cooperative production programs to date, the Rolling Airframe Missile and the Multi-Functional Information Distribution System, use the integrated structure. The integrated structure would employ a host or lead nation to host the program management office and place the

contracts under that nation's procedures. Under this structure, NATO or a NATO organization could be designated as host or lead, just as a participating nation. A specific type of integrated program is the NATO project. This means that the project is under a NATO charter. A well known example is the NATO Airborne Warning & Control System

(AWACS/E-3).

4.4.2.1.3 Decentralized

Under this structure, each participating nation manages their portion of the program and contracts with their industry under national procedures. In some cases the contracting nation may also contract with another nation's industry to participate in the program, but still under that

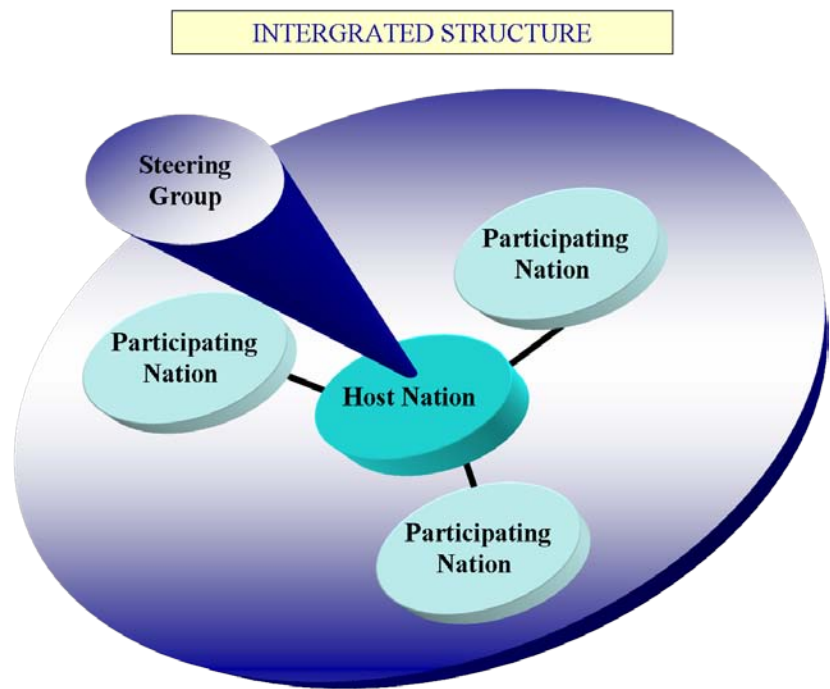


Figure 4-3 Integrated Structure

nation's national procedures. There are a variety of management arrangements for executing the program. There could be an elaborate structure with a steering committee and management committee, but it is not necessary. In fact a significant number of decentralized programs do not have a steering committee. This is the norm with Trans-Pacific projects. Each nation may have its own program management office and share results of the national efforts. This structure is sometimes referred to as a discrete work package approach. While this term is descriptive, it is also used in intra-European programs to describe work packages that may be moved from one nation to another to satisfy work sharing requirements. This practice results in inefficiencies that should be avoided if the U.S. is a participant. The decentralized structure is often used at program inception; this approach should be avoided with more mature programs. As an international program matures, clear responsibility for system integration is required.

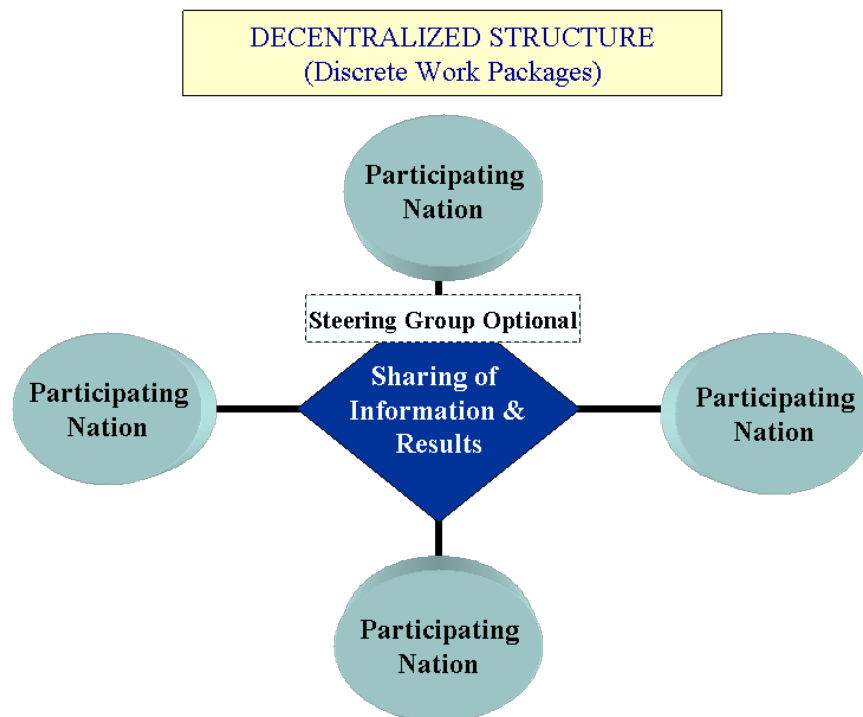


Figure 4-4 Decentralized Structure

4.4.2.2. Industrial Structures for International Cooperative Acquisition Programs

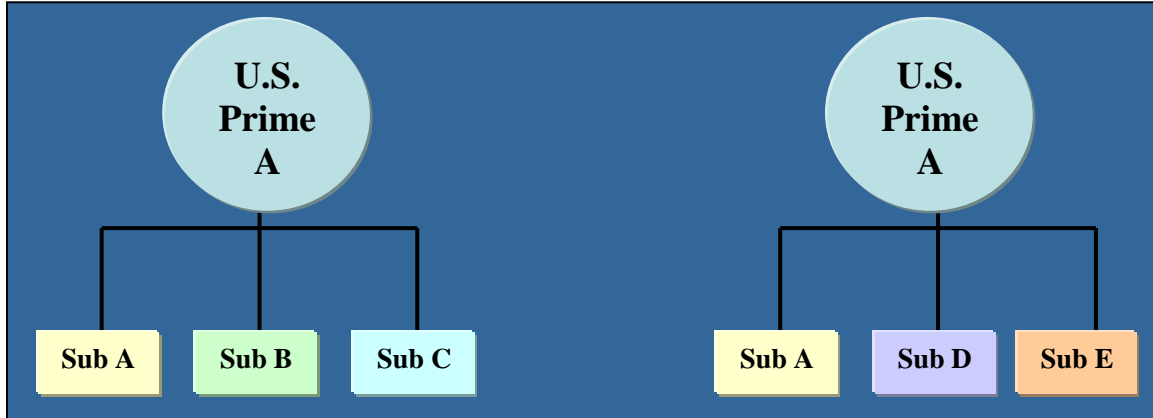
There are three basic industrial teaming structures for international cooperative projects: prime contractor (with international teaming of subcontractors), consortium and joint venture. The selection of the best industrial arrangement is not necessarily the decision of the

governments, but requires negotiation with defense industry representatives. National contracting can be the most efficient structure for smaller programs early in the acquisition process. An important consideration for the U.S. in an international cooperative program is maintaining competition. There are various industrial organization structures, all of which are modified in some way to satisfy U.S. requirements for competition in contracting.

4.4.2.2.1 Prime Contractor (with International Teaming of Subcontractors)

This structure employs a single prime contractor, which may or may not have been competitively awarded the prime contract. In a fully competitive environment, the prime contractor awards all subcontracts competitively without restriction. However, in the international cooperative project, it is common for the competition for subcontracts to be restricted to the participating nations and sometimes directed to a specific contractor. International participation may be set as a goal of the project, and contracting incentives may be used for this purpose. Even national subcontracting may be used, which may introduce inefficiencies, and problems in program integration with the prime contractor. There may be a number of prime/subcontractor arrangements. Occasionally, when the prime contract is completed, the same subcontractor may participate in one or more of the teaming arrangements with different prime contract competitors.

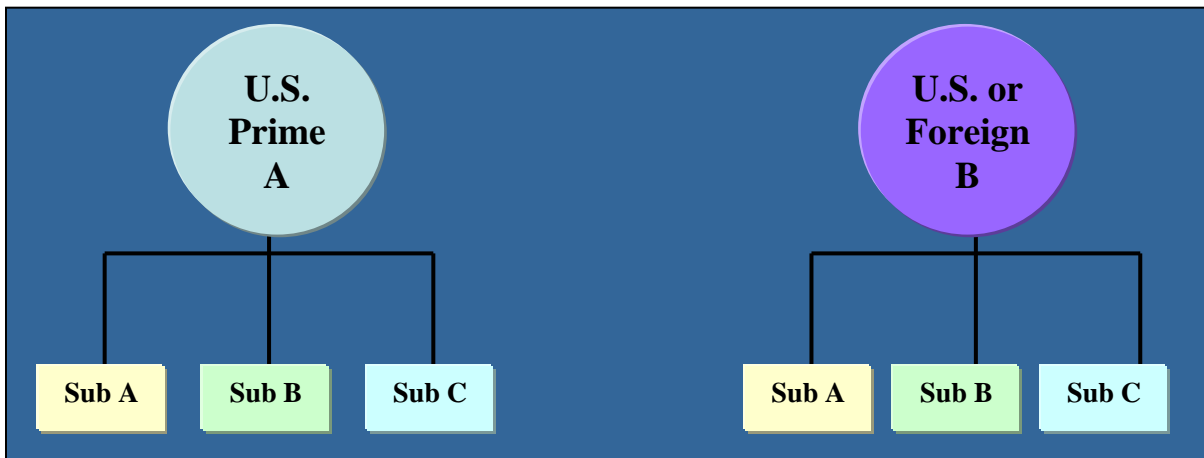
*Scenario 1
Same Prime Contractor
Different Subcontractors**



**Subcontractors are mixed foreign and/or U.S. subs often to align with workshare agreements*

Figure 4-5 Industrial Structures for Competition in International Programs Scenario 1

*Scenario 2
Different & Prime Contractors
Same or Different Subcontractors**



**Subcontractors may be mixed foreign and/or U.S. depending on whether competing Prime Contractor is foreign. Structure often aligns with workshare agreements.*

Figure 4-6 Industrial Structures for Competition in International Programs Scenario 2

4.4.2.2.2 Consortium

A consortium is a group of companies formed under an agreement among them to

undertake an enterprise beyond the resources of any one member. As is often the case, a consortium is not a legal entity so the participating nations in an international project cannot contract directly with the consortium, but must contract with the company designated as the lead or prime by the consortium agreement. This structure may result in difficulty in establishing settlement of a liability claim between a participating nation and a subcontractor of the lead or prime company.

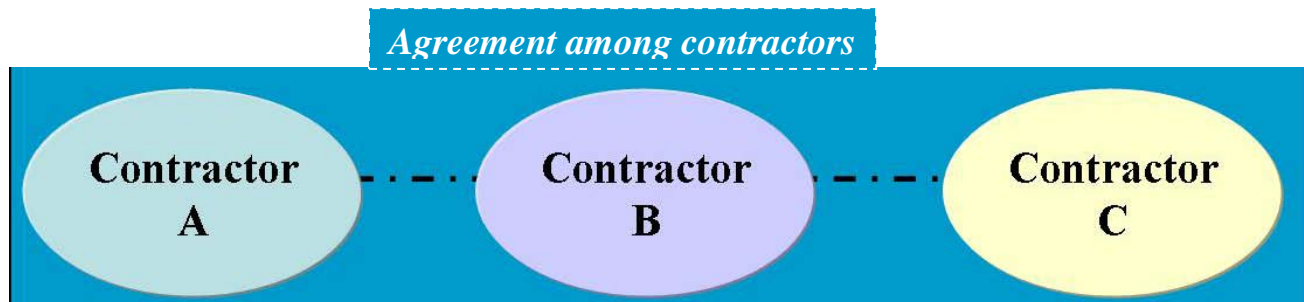


Figure 4-7 Consortium Structure

4.4.2.2.3 Joint Venture

This structure is similar to the consortium, except that the joint venture company is a registered legal entity (e.g. a corporation). The difficulty with this structure is that the joint venture company limits its liability to the contributions of the participating companies, which may be significantly less than the potential liability. Participating governments may insist upon greater guarantees from the joint venture participating companies before placing a large contract.

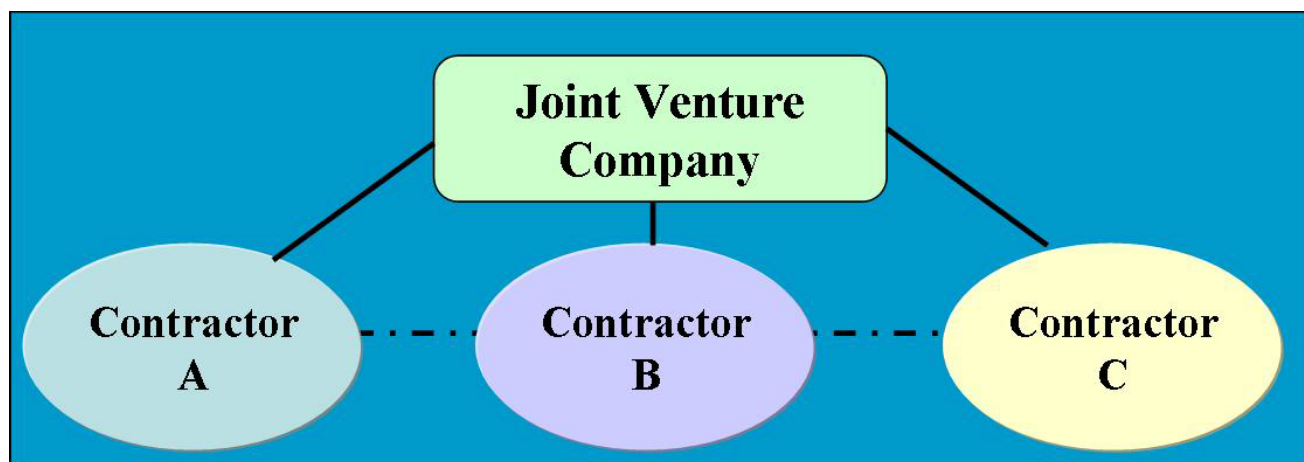


Figure 4-8 Joint Venture Company Structure

4.4.2.3 International Considerations in Acquisition Strategy Development

To meet the requirements of Section 2350a(e) of Title 10 United States Code, (the Technology Development Strategy prepared for Milestone A or [Chapter 3]) the Acquisition Strategy for Milestones B and C, Principal Deputy Under Secretary of Defense memorandum, dated April 22, 2011, [SUBJECT: Document Streamlining - Program Strategies and Systems Engineering Plan](#), provides required outlines for milestone document preparation, including one for international involvement, section 10. International Involvement must be addressed in the Acquisition Strategy as follows:

10. International Involvement³¹

10.1. Indicate any limitations on foreign contractors being allowed to participate at the prime contractor level.

10.2. International Cooperation.

10.2.1. Summarize any plans for cooperative development with foreign governments or cognizant organizations. List the MOAs in place and identify the contracting activities.

10.2.2. Summarize plans to increase the opportunity for coalition interoperability as part of the developing DoD program.

10.2.3. Employ the AT&L-developed [template](#)³² to provide a coalition interoperability section in the Acquisition Strategy. Using the template will satisfy the cooperative opportunities document requirement of 10 USC 2350a.

10.3. Foreign Military Sales. Specify the potential or plans for Foreign Military and/or Direct Commercial Sale and the impact upon program cost due to program protection and exportability features.

These considerations are based on in Section 2350a of Title 10 United States Code requirements. They encourage the consideration of alternative forms of international cooperation. Even if cooperative development is impractical, standards development, cooperative production, Foreign Military Sales, licensed production, component/subcomponent co-development or incorporation of subsystems from allied or friendly foreign sources should be considered where appropriate. DoD Components should fully investigate potential cooperative opportunities as part of the Acquisition Strategy development. Program proponents should consult with the appropriate international programs organization to obtain assistance in

³¹ This section of the TDS alleviates the need for a separate COD to be developed for Milestone A.

³² URL: <https://acc.dau.mil/GetAttachment.aspx?id=288191&pname=file&aid=44021&lang=en-US>

addressing international considerations during the development of the Technology Development Strategy (Chapter 3) or Acquisition Strategy for programs in all acquisition categories.

4.5 OTHER INTERNATIONAL CONSIDERATIONS AFTER ENTRY INTO THE ENGINEERING AND MANUFACTURING DEVELOPMENT PHASE³³

After Program Initiation, during Engineering and Manufacturing Development, key elements of the system design are defined, and system/subsystem development has begun. At the Program Initiation/Milestone B, the decision to conduct or continue to conduct, as a result of Milestone A decisions (Chapter 3) international cooperation in acquisition, technology and logistics must be made at the system level, or deferred until production. If there is no decision to cooperate at the system level, there have been numerous examples of successful subsystem cooperative development partnerships that have been formed during the Engineering and Manufacturing Development Phase. Consequently, if the opportunity for cooperation in subsystem development arises prior to or during Engineering and Manufacturing Development, consult with the appropriate international programs organization to obtain further assistance.

A viable alternative to development is the acquisition of a Non-Developmental Item (NDI). While individual acquisition programs can conduct an NDI evaluation with their own resources, the Foreign Comparative Testing (FCT) Program offers a structured and funded means for program offices to evaluate the suitability of a foreign developed item for purchase in lieu of developing a similar U.S. item. The FCT program is described in detail in Chapter 5.

The International Test Operations Procedures (ITOP) program provides for international agreements that document state-of-the-art test techniques for technical developmental testing of military research and development materiel and/or systems, and allows the exchange of test data to avoid redundant testing when foreign equipment is purchased. Currently there are over 130 ITOPs with Germany, France, and the UK covering a variety of test types and/or equipment class. Through ITOPs, the U.S. has access to latest test technology and procedures of our allies, which could possibly be utilized by DoD program managers. The ITOP program is managed at OSD by the Office of the Director, Operational Test and Evaluation (DOT&E); see Chapter 5.

³³ Also see section 4.4.

4.6 INTERNATIONAL CONSIDERATIONS DURING THE PRODUCTION & DEPLOYMENT PHASE³⁴

There are three basic mechanisms for transfer of U.S. produced defense articles and associated production capability to other nations. The first two, foreign purchase under security assistance and foreign coproduction of a U.S. developed system, fall under the purview of the Defense Security Cooperation Agency (DSCA). The Department of State is responsible for transfer of defense articles and associated production capability under export licenses. Both DSCA and the Defense Technology Security Administration must coordinate closely with the cognizant DoD Component(s) regarding the development and implementation of DoD coproduction policy in their respective areas of responsibility (see Chapter 8). USD(AT&L) is responsible for oversight of the third basic mechanism: cooperative production, which is a joint or concurrent international production normally but not necessarily arising out of a cooperative development project. Good examples of this type of production program are the Rolling Airframe Missile (RAM) and the Multi-Functional Information Distribution System (MIDS). Cooperative production falls under the authority of the Arms Export Control Act (AECA) Section 27. These types of programs are discussed in more detail in Chapter 9.

4.7 INTERNATIONAL CONSIDERATIONS DURING THE OPERATIONS & SUPPORT PHASE

Cooperative logistics refers to cooperation between the U.S. and allied or friendly nations or international organizations in the logistical support of defense systems and equipment; see Chapter 5.

4.8 SUMMARY

International cooperative projects offer the opportunity to access the best technology and achieve cost savings from the earliest phases of Pre-Systems Acquisition throughout the life cycle, while attaining interoperability with coalition partners. All DoD acquisition personnel, in consultation with the appropriate international programs organizations, should strive to identify and pursue international cooperative programs in accordance with defense acquisition policy.

³⁴ Also see section 4.4.

4.9 REFERENCES

1. [Title 10 U.S.C. Section 2350a](#), *Cooperative Research and Development Agreements*
2. [National Defense Authorization Act](#), Section 1251, FY2008
3. [DoD Directive 5000.01](#), *The Defense Acquisition System*, May 12, 2003.
4. [DoD Instruction 5000.02](#), *Operation of the Defense Acquisition System*, December 8, 2008
5. [DoDI 5134.3](#), *Director, Defense Research and Engineering*, November 3, 2003
6. [DoD Instruction 2010.06](#), *Materiel Interoperability and Standardization with Allies and Coalition Partners*, July 29, 2009
7. [Defense Acquisition Guidebook](#), updated monthly

CHAPTER 5: INTERNATIONAL COOPERATION IN LOGISTICS

5.1 INTRODUCTION

Cooperative logistics refers to cooperation between the U.S. and allied or friendly nations or international organizations in the logistical support of defense systems and equipment. Cooperative logistics is part of the acquisition process, but being also a substantial part of military operations, much of the implementation process involves Security Assistance processes and procedures. Even though some of the processes described in part of this chapter are under the cognizance of Defense Security Cooperation Agency (DSCA), they are included here for completeness.

Cooperative logistics support includes:

- Logistics Cooperation international agreements (IAs), used to improve sharing of logistics support information and standards, and to monitor accomplishment of specific cooperative logistics programs;
- Acquisition and Cross Servicing Agreements (ACSAs);
- Host Nation Support (HNS);
- Cooperative Logistics Supply Support Arrangements (CLSSAs);
- Cooperative Military Airlift Agreements (CMAAs);
- War Reserve Stocks for Allies (WRSA);
- Agreements for acceptance and use of real property or services; and
- Standardization of procedures under America/Britain/Canada/Australia/New Zealand (ABCANZ) auspices.

5.2 LEGAL AND POLICY BASIS

5.2.1 Legal Basis

The “North Atlantic Treaty Organization Mutual Support Act of 1979” (dated 4 August 1980), as amended (Title 10 U.S.C. 2341-2350), now known as the Acquisition and Cross Servicing Agreement (ACSA) Authority, provides two distinct, although not entirely separate, provisions for cooperative logistics support. Title 10 U.S.C. 2341 provides acquisition-only

authority, and Title 10 U.S.C. 2342 provides cross-servicing authority, which includes both acquisition and transfer authority. The National Defense Authorization Act (NDAA) of 1987 expanded this authority to include eligible, non-NATO countries; the FY91 NDAA removed geographic restrictions on logistics transfers, permitting transfers to allied nations in any geographic location. The FY 95 NDAA added the United Nations Organization or any other regional international organization of which the U. S. is a member.

5.2.1.1 Title 10 U.S.C. 2341, Acquisition-Only Authority

This authorizes DoD to acquire logistics support, supplies, and services directly from NATO countries' governments, subsidiary NATO bodies, the United Nations Organization or any other regional international organization of which the U. S. is a member, and other eligible countries for U.S. forces deployed in the supporting country's military region, without a cross-servicing agreement or an implementing arrangement. It allows liquidation by either cash payment or replacement-in-kind or exchange of identical or substantially identical items. A non-NATO country must meet one or more of the following criteria:

- Have a defense alliance with the U.S.;
- Permit stationing of members of the U.S. armed forces or the home porting of naval vessels of the U.S.;
- Have agreed to preposition U.S. materiel; and
- Serve as host country for U.S. armed forces during exercise, or permit other U.S. military operations in-country.

5.2.1.2 Title 10 U.S.C. 2342, Cross-Servicing Authority

This authorizes DoD (after consultation with the Department of State) to provide logistics support, supplies, and services to a NATO nation, a NATO subsidiary body, the United Nations Organization or any other regional international organization of which the U. S. is a member in return for reciprocal provisions of logistics support, supplies and services. The SECDEF may designate non-NATO nations as eligible to participate in cross-serving agreements after:

- Determining such action is in the interest of U.S. national security;
- Consultation with the State Department; and
- Expiration of a 30-day waiting period after notifying Congress.

The SECDEF may not use this authority to procure from any foreign government or international organization any goods or services reasonably available from domestic commercial sources. There are additional, specific restrictions on the items that may be transferred.

5.2.1 Policy Basis

Cooperative logistics refers to cooperation between the U.S. and allied or friendly nations or international organizations in the logistical support of defense systems and equipment. Cooperative logistics is part of the acquisition process, but as a substantial part of military operations, much of the implementation process involves Security Assistance processes and procedures.

In accordance with DoD Directive 5134.01, the USD(AT&L) serves as the Defense Logistics Executive with overall responsibility for improving and maintaining the Defense Logistics and Global Supply Chain Management System. S/he is also the Co-Chair, with the Vice Chairman of the Joint Chiefs of Staff, of the Defense Logistics Board, with responsibility to assess and confirm materiel readiness and supply availability and provide advice to the Director, Defense Logistics Agency (DLA), on global supply chain resource allocation matters.

The DLA, in accordance with DoD Directive 5105.22, is a Combat Support Agency of the Department of Defense; which reports directly to the USD(AT&L)'s Assistant Secretary of Defense for Logistics and Materiel Readiness (ASD(L&MR)) who exercises authority, direction, and control over the DLA.

The DLA functions as the integrating element of the Department's military logistics system. It maintains a DoD worldwide distribution system and accomplishes all logistics management functions required to ensure responsive, effective and efficient worldwide logistics support to the Military Departments and the Combatant Commands under conditions of peace and war, as well as to other DoD Components and federal agencies, and, when authorized, state and local government organizations, foreign governments, and international organizations.

Cooperative logistics writ large includes:

- Logistics Cooperation international agreements (IAs), used to improve sharing of logistics support information and standards, and to monitor accomplishment of specific cooperative logistics programs;
- Acquisition and Cross-Servicing Agreements;
- Host Nation Support;
- Cooperative Logistics Supply Support Arrangements;
- Cooperative Military Airlift Agreements;
- War Reserve Stocks for Allies;
- Agreements for acceptance and use of real property or services;
- Standardization of procedures under American/British/Canadian/Australian/New Zealand auspices;
- International Standardization Agreements developed in conjunction with member nations of the North Atlantic Treaty Organization and other allies and coalition partners, as described in [DoD 4120.24-M, "Defense Standardization Program \(DSP\) Policies and Procedures"](#) and as listed in the [Acquisition Streamlining and Standardization Information System \(ASSIST\) database](#) (login required);
- Consideration of the interoperability implications of these agreements when constructing Work Breakdown Structures; and
- Planning support provided by the [Program Manager's Tool](#) (login required).

5.3 COOPERATIVE LOGISTICS SUPPORT AGREEMENTS

5.3.1 International Cooperation in Logistics Agreements

U.S. DoD cooperative logistics agreements, a type of IC in AT&L agreement, usually stem from international cooperative (materiel) RDT&E, Engineering and Manufacturing (production) agreement(s) that lead to joint deployment of a system or sub-system which, as a result, necessitates a joint IC in Logistics support agreement among the cooperating partners. Such agreements are subject to the policy and procedures found in Chapter 12 International Agreements Process.

An IC in Logistics agreement, usually, includes the furnishing of logistic support (major end items, materiel, and/or services) to, or receiving logistic support from, one or more friendly foreign governments, international organizations, or military forces, with or without reimbursement. They also include planning and actions related to the intermeshing of a significant element, activity, or component of the military logistics systems or procedures of the United States with those of one or more foreign governments, international organizations, or military forces on a temporary or permanent basis.

These agreements will also include planning and actions related to the utilization of United States logistics policies, systems, and/or procedures to meet requirements of one or more foreign governments, international organizations, or forces.

5.3.2 Acquisition and Cross Servicing Agreements (ACSAs)

DoD Directive 2010.9, Acquisition and Cross-Servicing Agreements and CJCSI 2120.01, Acquisition and Cross-Servicing Agreements, provide complete details on responsibilities and procedures for acquiring and transferring logistics support, supplies, and services under the authority of Title 10 U.S.C. 2341 and 2342. DoD 5105.38-M provides guidance for CLSSAs. A brief overview of the most common types of general logistics agreements follows

These agreements, collectively referred to as ACSAs, are applicable worldwide, not merely to NATO nations. The U. S. has ACSAs with approximately 100 countries and three organizations. These agreements include most NATO nations, as well as the NATO Maintenance and Supply Agency, NATO Allied Command Transformation, and Supreme Headquarters Allied Powers Europe. Seventy additional countries are eligible to negotiate an ACSA.

Such logistics support “transfers” come into play primarily during wartime, combined exercises, training, deployments, contingency operations, humanitarian or foreign disaster relief operations, certain peace operations under the UN Charter, or for unforeseen or exigent circumstances. As a result, ACSA authority is almost always exercised by the Unified Combatant Commands (i.e., U.S. CENTCOM, U.S. EUCOM, U.S. NORTHCOM, U.S. PACOM, U.S. SOUTHCOM) not by DoD’s RD&A commands, Program Executive Offices (PEOs), or laboratories. There must usually be a cross-servicing agreement and implementing

arrangements, negotiated in accordance with authority delegated by DoD Directive 2010.9, to implement proposed transfers. Whenever practical, a single cross-servicing agreement with the eligible nation or NATO body should form the basis for both acquisitions and transfers. Until such an agreement has been signed, logistics support, supplies, and services may be acquired from the nation or NATO entity, but not transferred to it.

Compensation for acquisitions or transfers under these arrangements may be either on a cost-reimbursement basis or by exchange of supplies or services of equal value. These agreements establish principles and provisions for effecting required support, but do not bind either party to any particular monetary value or number of transactions. DoD organizations using ACSA authority to acquire or transfer logistics support, supplies, or services must document each transaction. Volume 11A, Chapter 8, of DoD 7000.14-R, Department of Defense Financial Management Regulations, gives information and record keeping requirements and reporting procedures.

ACSAs must primarily benefit the interest of DoD forward deployed commands and forces; they are not a grant program. Acquisitions or transfers must be either in cash, replacement-in-kind, or exchange of supplies or services of equal value in support of the operational needs of forward deployed forces. They may not be used to increase inventories, nor can DoD use them when the desired materiel or service is reasonably available from U.S. commercial sources. Most importantly, DoD acquisition personnel must ensure ACSAs are not used as a routine source of supply for a foreign country. Routine foreign requests for desired U.S. defense articles and services should be addressed through FMS procedures in accordance with the [Security Assistance Management Manual](#) (now E-SAMM).

Categories of logistics support, supplies, and services that can be provided as defined in Title 10 U.S.C. 2350 include:

- | | |
|--------------------------------------|-----------------------------------|
| ▪ Food | ▪ Base Operations Support |
| ▪ Billeting | ▪ Storage Services |
| ▪ Transportation (including airlift) | ▪ Use of Facilities |
| ▪ Petroleum, Oils, and Lubricants | ▪ Training Services |
| ▪ Clothing | ▪ Spare Parts and Components |
| ▪ Communications Services | ▪ Repair and Maintenance Services |

- Medical Services
- Calibration Services
- Ammunition
- Port Services

In addition to the above categories, logistics support, supplies and services includes temporary use of general purpose vehicles and other nonlethal items of military equipment which are not designated as significant military equipment on the U.S. Munitions List.

There are many items that may not be transferred under an ACSA, such as weapon systems and major end items of equipment. A complete listing is provided in DoDD 2010.9. However, Congress has authorized certain exceptions to these restrictions under Section 1202 of the National Defense Authorization Act (NDAA) for Fiscal Year 2007. This section authorizes the Secretary of Defense to use ACSAs to lend certain military equipment such as armored vehicles or vehicles with add-on armor kits, counter-improvised explosive device equipment, and defusing equipment to foreign forces in Iraq or Afghanistan for personnel protection and survivability. [National Defense Authorization Act \(NDAA\) of FY 2012 SEC. 1204](#) extends the aforementioned authority to permit the transfer of the same types of equipment to nations participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement.

5.3.3 Host Nation Support (HNS)

HNS is civil and military assistance (materiel, manpower, or services) rendered in peace or war by a host nation to allied or friendly forces and organizations located on or in transit through its territory. HNS agreements are normally pursued by Unified Combatant Commands under overall direction of JCS and Dir (IC). HNS assistance is provided in accordance with commitments made under alliances or bilateral or multilateral agreements, usually in the context of a broader cooperative logistics program. Areas normally addressed in HNS agreements and implementing arrangements include, but are not limited to:

- Logistics Lines of Communication
- Terminal transfer services
- Collocated operating bases
- Supplies
- En route and transit support
- Troop support services
- Over flight rights
- Facilities
- Weapons systems cross-servicing
- Materiel handling
- *Port reception, departure, and clearance services*
- Equipment decontamination services
- *Naval vessels' support*
- Medical services and equipment

- Intra-theater transportation
 - Communication services and equipment
1. Labor

Follow-on arrangements and joint planning for logistics lines of communication are particularly important to ensure continued materiel flow in support of deployed forces in emergency agreements. However, the absence of a written agreement does not preclude programming for host nation support in anticipation of such an agreement.

5.3.4 Cooperative Logistics Supply Support Arrangements (CLSSAs)

CLSSAs are established using LOAs as the mechanism in accordance with DoD Instruction 2000.20. CLSSAs set out terms and conditions under which DoD provides supply support for common weapons systems to a foreign government or international organization on a basis equal to that provided to U.S. forces. Except for significant military equipment, CLSSAs provide for pre-stockage and storage of DoD-stocked items that are needed and used by the FMS purchaser on a recurring basis. Availability of such support is of paramount importance in promoting interoperability, as well as in marketing U.S.-manufactured weapons systems. The Department of Defense considers CLSSAs one of the most effective ways of providing common spares, repair parts, and secondary item support for U.S.-origin defense equipment in allied or friendly country inventories.

5.3.5 Cooperative Military Airlift Agreements (CMAAs)

Title 10 U.S.C. 2350c authorizes SECDEF, after consultation with the Department of State, to enter into cooperative military airlift agreements with allied countries. Subject to Title 10 U.S.C. 2350c reimbursement and other provisions, these agreements cover transporting NATO and other allied nations' military personnel and cargo on aircraft operated by or for the U.S. armed forces, in return for reciprocal transportation of U.S. military personnel and cargo. SECDEF may also enter into non-reciprocal CMAAs with NATO subsidiary bodies for transportation of their personnel and cargoes on U.S. armed forces aircraft.

5.3.6 War Reserve Stocks for Allies (WRSA)

The Foreign Assistance Act of 1961 established the WRSA program, which allows the pre-positioning of host-nation intended, but U.S.-owned, war reserve material in authorized

countries during peacetime. U.S. policy requires allies provide for their own sustainability to the maximum extent possible; any action to supplement established allied war reserve requirements will be considered only on a case-by-case basis. The host nation through a bilateral agreement will normally fund storage, maintenance, in-country transit, and other WRSA-related costs.

Congress limits the value of assets transferred into WRSA stockpiles located in foreign countries in any fiscal year through authorizing legislation. The U.S. retains title to the stocks; title must be transferred before the foreign country may use them.

5.3.7 Acceptance and Use of Real Property

Title 10 U.S.C. 2350g authorizes DoD Components to accept real property, services, and supplies from a foreign country for support of any element of the U.S. Armed Forces in an area of that country. This includes:

- Real property or the use of real property and related services and supplies for the U.S. or for use by the U.S. in accordance with a mutual defense agreement or an occupational arrangement; and
- Services furnished as reciprocal international courtesies or as services customarily made available without charge.

Specific authorization is not required unless acceptance would violate a prohibition or limitation that applies to the program, project, or activity in question. A report must be submitted to Congress within 30 days after the end of each quarter in which real property, services, and supplies are accepted.

5.4 SUMMARY

Each participant or party involved in cooperative logistics agreements benefits, whether it be a tangible benefit, such as the U.S. receiving support for its naval vessels when in a foreign port, or an intangible, such as the implied benefit to the foreign nation of having a visible U.S. naval presence in the region. Other cases are more obviously quid-pro-quo: international cooperation in logistics agreements or cross-servicing agreements, in which each party receives the equivalent of the materiel or services provided to the other. Besides the obvious material benefits, such agreements have the effect of creating relationships between the parties which it is

hoped will serve to strengthen political bonds. DoD acquisition personnel involved in RD&A activities should be aware of and support such efforts. They should ensure the cooperative support mechanisms described above are used in an appropriate manner to support forward deployed forces, rather than as a means to avoid use of FMS or other IC in AT&L mechanisms described in this Handbook.

5.5 REFERENCES

1. [National Defense Authorization Act \(NDAA\) of FY 2012 SEC. 1204](#)
2. The North Atlantic Treaty Organization Mutual Support Act of 1979, 4 August 1980. See [Title 10 U.S.C. Section 2341 - 2350](#).
3. [Title 10 U.S.C. Section 2341](#) – *Authority to acquire logistics support, supplies, and services for elements of the armed forces deployed outside the United States.*
4. [Title 10 U.S.C. Section 2342](#) – *Cross-servicing agreements.*
5. [Title 10 U.S.C. Section 2350c](#) – *Cooperative military airlift agreements: allied countries.*
6. [Title 10 U.S.C. Section 2350g](#) – *Authority to accept use of real property, services, and supplies from foreign countries in connection with mutual defense agreements and occupational arrangements.*
7. [DoD Instruction 2000.20](#), *Cooperative Logistics Supply Support Arrangements*, August 29, 2005.
8. [DoD Directive 2010.9](#), *Acquisition and Cross-Servicing Agreements*, April 28, 2003, *Certified Current as of November 24, 2003.*
9. [CJCS Instruction 2120.01A](#), *Acquisition and Cross-Servicing Agreements*, November 27, 2006
10. [DoD 4120.24-M](#), *Defense Standardization Program (DSP) Policies and Procedures*, March 9, 2000
11. [DoD Directive 5105.22](#), *Defense Logistics Agency*, May 17, 2006.
12. [DoD 5105.38-M](#), *Security Assistance Management Manual*, **E-SAMM**.
13. [DoD Directive 5134.01](#), *Under Secretary for Acquisition, Technology and Logistics*, April 21, 2000
14. [DoD Directive 5134.12](#), *Assistant Secretary of Defense for Logistics and Materiel Readiness (ASD(L&MR))*, November 21, 2003, *Incorporating Change 1, October 27, 2010.*
15. [DoD 7000.14-R](#), *Department of Defense Financial Management Regulations (FMRs)*, April 4, 2010.
16. [The North Atlantic Treaty Organization Logistics Handbook](#), 2007 edition.

CHAPTER 6: INTERNATIONAL COOPERATION IN TEST AND EVALUATION

6.1 INTRODUCTION

“Test and evaluation shall be integrated throughout the defense acquisition process. Test and evaluation shall be structured to provide essential information to decision makers, assess attainment of technical performance parameters, and determine whether systems are operationally effective, suitable, survivable, and safe for intended use. The conduct of test and evaluation, integrated with modeling and simulation, shall facilitate learning, assess technology maturity and interoperability, facilitate integration into fielded forces, and confirm performance against documented capability needs and adversary capabilities as described in the system threat assessment.” [DoDD 5000.01](#), Section E1.1.11 Integrated Test and Evaluation, May 12, 2003.

There are three main tests and evaluations; when foreign partners participate in the Defense Acquisition Management System, during Systems Acquisition through and IC in AT&L agreement (Chapter 12), they may participate in these tests and evaluations:

6.1.1 Developmental Test and Evaluation

Developmental Test & Evaluation (DT&E) commences early on and is conducted throughout the acquisition process to assist in engineering and manufacturing development and to verify that technical performance specifications have been met. DT&E helps to decrease costs, enhance performance, and keep programs on schedule

DT&E is planned and monitored by the developing DoD Component and is normally conducted by the contractor. It includes the T&E of components, subsystems, Preplanned Product Improvement (P3I) changes, hardware/software integration, and production qualification testing. It encompasses the use of models, simulations, test beds, and prototypes or full-scale engineering development models of the system. The three specific types of DT&E which are:

- [Production Acceptance T&E \(PAT&E\)](#)
- [Product Qualification Testing \(PGT\)](#)
- [Live-Fire T&E \(LFT&E\)](#).

DTE's goal is the early discovery of deficiencies in programs and to increase the probability of programs being effective and suitable in Initial Operational Test and Evaluation.

6.1.2 Initial Operational Test and Evaluation

The Initial Operational Test and Evaluation (IOT&E) is conducted on production, or production representative articles, to determine whether systems are operationally effective and suitable for intended use by representative users to support the decision to proceed beyond [Low-Rate Initial Production \(LRIP\)](#).

The [Operational Test Readiness Review \(OTTR\)](#) is conducted to determine if a system can proceed into IOT&E. Once approved, an IOT&E must be completed before the Full Rate Production Decision. More than one IOT&E may be conducted on the system if there are system performance problems requiring retest, the system is decertified, or a need exists to test in different environments. IOT&E is conducted by an [OT&E DoD](#) Component independent of the contractor, program management office, or developing DoD Component. [Title 10 USC 2399](#) requires DoD to conduct an independent, IOT&E on major programs ([ACAT I & II](#)) before entering full rate production

6.1.3 Operational Test and Evaluation

Operational Test and Evaluation (OT&E) is a fielded test, under realistic combat conditions, for a [Major Defense Acquisition Program \(MDAP\)](#) of any item or component of a weapons system, equipment, or munitions for the purposes of determining its operational effectiveness and operational suitability for combat. OT&E is defined in Title 10, United States Code (U.S.C.), Sections 139 and [2399](#). To ensure test adequacy, OT&E testing should only incorporate validated, accredited threat representations unless coordinated with [Director, Operational Test and Evaluation \(DOT&E\)](#).

6.1.3.1 Operational Effectiveness:

Measure of the overall ability of a system to accomplish a mission when used by representative personnel in the environment planned or expected for operational employment of the system considering organization, doctrine, tactics, supportability, survivability, vulnerability, and threat.

6.1.3.2 Operational Suitability:

The degree to which a system can be placed and sustained satisfactorily in field use with consideration being given to availability, compatibility, transportability, interoperability, reliability, wartime usage rates, maintainability, safety, human factors, habitability, manpower, logistics supportability, natural environmental effects and impacts, documentation, and training requirements.

6.1.3.3 Survivability:

Includes the elements of susceptibility, vulnerability, and recoverability. As such, survivability is an important contributor to operational effectiveness and suitability. A survivability assessment should be conducted for all systems under OT&E oversight that may be exposed to threat weapons in a combat environment or to combat-induced conditions that may degrade capabilities, whether or not the program is designated for [Live Fire Test and Evaluation \(LFT&E\)](#) oversight.[3]

In each of the MILDEPs, operational testing is conducted under the auspices of an organization that is independent of the development agency, in environments as operationally realistic as possible, with hostile forces representative of the anticipated threat and with typical users operating and maintaining the system. Each services organization is listed below: [1]

- [Air Force Operational Test and Evaluation Center \(AFOTEC\)](#)
- [Navy Commander of Operational Test and Evaluation](#)
- [Army Test and Evaluation Command](#)
- [Marine Corps Operational Test and Evaluation Activity](#)

6.2 LEGAL AND POLICY BASIS

6.2.1 Legal Authority

6.2.1.1 10 U.S.C., Section 139B and 10 U.S.C. Section 2399, assigns the DASD, DT&E authority to assess system performance across Major Defense Acquisition Programs including:

- Program Oversight
- Policy and Guidance

- Test and Evaluation Strategy (TES) / Test & Evaluation Master Plan (TEMP) approval (with DOT&E)
- Advocacy for Acquisition DT&E workforce
- Component T&E Capability
- Annual Report to Congress

6.2.1.2 10 U.S.C. Section 139, assigns Director, Operational Test and Evaluation (OT&E) authority to field test, under realistic combat conditions, of any item of (or key component of) weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the weapons, equipment, or munitions for use in combat by typical military users; and document the evaluation of the results of such tests.

6.2.1.3 10 U.S.C. 2350a (g), “*Side-by-Side Testing*” is basis for the FCT Program. Participation in FCT is open to all foreign countries friendly to the United States. According to the statute:

“It is the sense of Congress that the Secretary of Defense should test conventional defense equipment, munitions, and technologies manufactured and developed by countries referred to in subsection (a)(2) to determine the ability of such equipment, munitions, and technologies to satisfy United States military requirements or to correct operational deficiencies; and that while the testing of non-developmental items and items in the late state of the development process are preferred, the testing of equipment, munitions, and technologies may be conducted to determine procurement alternatives.”*

*Title 10 U.S.C. Section 2350a, Subsection (a)(2) explicitly refers to the following as eligible countries and organizations to participate in the FCT Program.

- The North Atlantic Treaty organization
- A NATO organization
- A member nation of the North Atlantic Treaty Organization
- A major non-NATO ally
- Any other friendly foreign country

6.2.1.4 10 U.S.C. Section 2457 - *Standardization of equipment with North Atlantic Treaty Organization members*, implements standardization objectives and promotes interoperability with coalition partners and competition from qualified international sources.

6.2.2 Policy Basis

The DoD testing program supports U.S. national security policy by insuring that the U.S. military has the best equipment available in the world to produce the most effective combat force possible. Testing programs promote IC in AT&L which improve the combat capabilities of our allies and coalition partners as well.

Third, testing programs increase the effectiveness of our (and our allies) research and development expenditure by reducing redundant development and ensuring commonality of equipment for everyone fighting in support of democracy. Testing programs' policy is outlined in DoD Directive 5000.01 which requires interoperability with coalition partners and competition from qualified international sources. DoD testing programs explicitly support these policies. Further guidance is found in DoD Instruction 5000.02, Enclosure 6, *Integrated Test and Evaluation*.

While there is a clear legal and policy basis for the FCT Program, The Defense Federal Acquisition Regulations, especially Part 225 – *Foreign Acquisition*, should be consulted prior to initiating any foreign procurement.

6.3 DEFINITIONS

Non-Developmental Item (NDI)

Previously developed items – whether developed for commercial or military markets – that are ready to use with little or no modification.

Test to Procure

A category of FCT project. Should the item meet the test criteria and requirement, there is intent to procure it.

Qualification Test

One of two types of an FCT Test to Procure. A qualification test is one which a unique foreign item is evaluated to determine if the equipment's capabilities meet the U.S. requirement. FCT funding may be requested for the entire test and evaluation costs (includes lease or purchase of test article and execution of the testing).

Comparative Test

One of two types of an FCT Test to Procure. Under a comparative test, multiple items are tested simultaneously and evaluated against each other and against a set of requirements. If all items in a comparative test are foreign, FCT funding can be requested for the entire cost of the test (including lease or purchase of test articles and execution of the test and evaluation). If U.S. domestic items have been identified as candidates and there is a mixture of foreign and domestic items to evaluate, the FCT Program only provides FCT funding for costs associated with test and evaluation of the foreign items. The sponsoring organization must provide all funds for test and evaluation of the domestic items.

6.4 INTERNATIONAL TEST AND EVALUATION PROGRAMS

6.4.1 Test and Evaluation Program (TEP)

The international Test and Evaluation Program (TEP) is a DoD-managed program, authorized under 10 U.S.C. 2350(1) , which is implemented through Test and Evaluation Program (TEP) international agreements/memorandums of understanding or agreement (MOUs/MOAs), which establish the broad terms and conditions for cooperative and reciprocal test and evaluation (T&E) activities. Those efforts are carried out under two types of subordinate project arrangements (PAs): Cooperative Test and Evaluation (CTE) Project Arrangements (PAs), section 6.61., and Reciprocal Use of Test Facilities (RUTF) PAs, section 6.6.2.

TEP agreements (MOUs/MOAs) may also enable information exchange, formation of working groups, project equipment transfers (loans), and familiarization visits. Acquisition or production programs and the provision of educational and training services are outside the scope of TEP MOUs/MOAs.

The TEP is executed during developmental and operational tests and evaluations.

6.4.1.1 Cooperative Test and Evaluation Program

Cooperative T&E efforts are carried out via Cooperative T&E (CTE) PAs under which parties/participants equitably collaborate to improve and share results regarding efficient and effective methods for conducting T&E.

A Test and Evaluation Program (T&E) MOU defines a T&E program that will provide cooperative developmental and/or operational test and evaluation (DT&E / OT&E) quantitative and qualitative information that can be used for analyzing allied and coalition partner military capabilities; one goal of which is to promote military interoperability as called for in DoD Directive 5000.1 that states:

“Systems, units, and forces shall be able to provide and accept data, information, materiel, and services to and from other systems, units, and forces and shall effectively interoperate with other U.S. Forces and coalition partners. Joint concepts and integrated architectures shall be used to characterize these interrelationships. DoD policy for the information technology, including NSS, aspects of interoperability and supportability appears in DoD Directive 4630.05.”

An international T&E MOU or PA brings two allies and/or coalition partners together to:

- Assess materiel interoperability for coalition operations and determine solutions to identified problems.
- Evaluate U.S. and coalition partner(s) technical and operational concepts, and recommend improvements.
- Increase coalition mission capability, using materiel quantitative data for analysis.
- Validate developmental and/or operational testing methodologies that have coalition operations applications.
- Improve modeling and simulation validity and interoperability with field exercise data.
- Provide feedback to the acquisition and joint/coalition operations communities.
- Improve joint/coalition materiel tactics, techniques, and procedures.

A CTE PA is considered an international agreement and generally requires coordination at the OSD level. CTE PAs are signed by the Director, Operational Test & Evaluation.

6.4.1.2 Reciprocal Use of Test Facilities Program

The Test and Evaluation Program also enables U.S. and partner nation or international organization access to each other's test facilities and facilitates the pursuit of cooperative test and evaluation related projects ala section 6.6.1 using RUTF PAs.

The RUTF PA describes a fee-for-service relationship in which testing services are provided at preferred (less than full cost of recovery) rates. Testing under a RUTF PA may be conducted for the purposes of developmental, operational, and live fire T&E. A RUTF PA is considered an international agreement but does not require coordination at the OSD level. The U.S. signatory authority is the Director, Operational Test & Evaluation.

There are currently TEP agreements/MOUs with Australia, Canada, France, the Netherlands, and the United Kingdom. As of this writing, a TEP Agreement with Germany is in negotiation.

6.4.2 Foreign Comparative Testing (FCT) Program

The Foreign Comparative Testing (FCT) program was established to consolidate the testing and evaluation of foreign non-developmental items (NDI) and technologies that demonstrate potential to satisfy U.S. armed forces requirements.

The FCT program tests foreign NDI that have been fielded by their nation's armed forces and technologies that have a high Technology Readiness Level (TRL). FCT is a uniquely successful acquisition tool. Since 1980, the FCT program has helped to foster the two-way street in defense spending between the U.S. and its allies and friends through the procurement of more than \$5 billion in foreign NDI. The FCT program has reaped substantial savings through these objectives for improving the U.S. warfighter's capabilities:

- Rapidly fielding quality military equipment.
- Eliminating unnecessary duplication of research, development, test, and evaluation.
- Reducing life cycle or procurement costs.
- Enhancing standardization and interoperability.
- Promoting competition by qualifying alternative sources.

- Improving the U.S. military industrial base.

Foreign NDI are nominated by a sponsoring DoD Component for testing in order to determine whether the NDI will satisfy U.S. military requirements or address mission area technological shortcomings. The OSD(AT&L) Comparative Technology Office funds testing and evaluation; the DoD Components fund all procurements that result from a successful test.

Each year, the Military Services and the U.S. Special Operations Command (USSOCOM) request funding from the Office of the Under Secretary of Defense for AT&L/Comparative Technology Office (OUSD(AT&L/CTO)) for proposed projects. OUSD(AT&L) CTO and Deputy Assistant Secretary of Defense, Strategic and Tactical Systems (DASD(S&TS)) screen the proposals to ensure that the proposed items for test are non-developmental, address valid military requirements and have user support, with a viable acquisition strategy and clear intention to procure the item if testing is successful. OUSD(AT&L) CTO and DASD(S&TS) review the market investigations, test approach, and the Military Service priority rating. OUSD(AT&L) CTO then chooses which projects to fund based on available budget, and notifies Congress of the intent to fund projects which may result in procurement.

6.4.2.1 FCT Proposals

Each March, the Military Services and the Special Operations Command propose projects to OUSD(AT&L) CTO for FCT funding consideration. Each proposed project is submitted in a structured FCT Proposal format. The proposal is a comprehensive explanation of an FCT project that clearly describes the candidate item for which funding is requested, cost and schedule data for the T&E, and additional information needed by OUSD(AT&L) CTO and DASD(S&TS) to evaluate the merit of the project.

CTO and S&TS staff screen and evaluate proposals to ensure submitting Components have (1) strong user advocacy for the proposed item, (2) addressed valid requirements, (3) completed thorough market investigations, and (4) developed viable, funded acquisition strategies. When the review is complete, OUSD(AT&L) CTO notifies Congress, and then provides funds the appropriate DoD Components to obtain, test and evaluate the selected NDI.

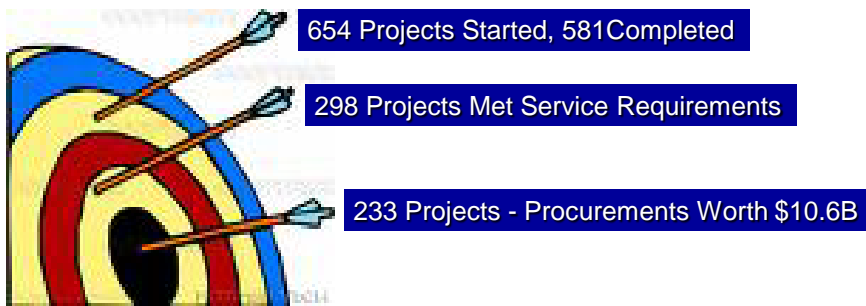
A high priority for FCT funding is for T&E of equipment, in production or in the late stages of development, which demonstrates good potential to satisfy Component requirements with little or no modification and which the sponsor intends to procure after successful tests (Test to Procure category of FCT). Details of FCT Program can be found in the Comparative Technology Office Procedures Handbook located at the CTO website at <http://www.acq.osd.mil/cto/>.

It is important to note that any future procurement of production units that originated from an FCT project must be compliant with all DoD domestic preference restrictions. The FCT Program is not allowed to fund T&E of U.S. equipment nor purchase U.S. equipment for testing or exploitation of foreign equipment. However, the Comparative Technology Office also oversees the Defense Acquisition Challenge Program (DAC). Under DAC, U.S. companies can compete to submit proposals that improve the performance, affordability, manufacturability, or operational capability of an acquisition program (see the CTO website at <http://www.acq.osd.mil/cto/>). Generally, approved projects are funded under FCT for one or two years; however, complex or high-cost systems may be funded for a longer period.

Since 1980, OSD has funded 600 FCT projects, and 551 projects have been completed to date. Of the 266 evaluations that met the sponsor's requirements, 217 led to procurements worth approximately \$9.0 billion in FY 2010 dollars. With an OSD investment of about \$1.1 billion, the FCT Program has realized an estimated RDT&E cost avoidance of \$7.6 billion.

Measuring Progress

Metrics - Last 32 Years



- Assessed Products from 30 Countries
- OSD Investment: \$1.13 Billion (constant FY11\$)
- Estimated RDT&E Cost Avoidance: \$7.6 Billion
- Accelerated Fielding Averages 5-7 years
- Procurement Rate: ~ 80%
- 1/3 of Projects Have Led To Foreign Vendor Teaming with U.S. Industry in 34 States

Figure 6-1 FCT Program – Historical Results

6.4.2.2 Authorization and Appropriation of FCT Funding

The annual authorization and appropriations Acts establish the level of DoD-wide FCT funding available in a given year. Funding is provided under Program Element (PE) 0605130D8Z in the Defense-wide Research, Development, Test and Evaluation Budget.

6.4.2.3 FCT Reporting Requirements

DoD Component reporting requirements include a quarterly progress report, a quarterly financial summary, test plan, test report, final disposition report, and procurement report. In addition, Components may be requested to present a project review for selected projects. OSD reporting requirements include notification to Congress of all new start projects and an annual report to Congress.

Additional information on the FCT program can be found at the Office of the Secretary of Defense (OSD) Comparative Technology Office (CTO) BIDS website:
<https://cto.acqcenter.com/osd/portal.nsf> (login required; registration available on this portal page.)

6.4.3 International Test Operations Procedures (ITOPS)

In 1983 the French Republic (FR), the Federal Republic of Germany (GE), the United Kingdom of Great Britain and Northern Ireland (UK), and the United States of America (US) signed a Memorandum of Understanding (MoU), relating to “the *Mutual Acceptance of Test and Evaluation for the Reciprocal Procurement of Defense Equipment*.” FR, GE, the UK, and the U.S. develop high technology weapon systems and other advanced items of defense equipment for which they seek to facilitate reciprocal procurement, and, as a result, chose this MOU to develop International Test Operations Procedures (ITOPS) to ensure developed equipment was uniformly operationally tested in preparation for reciprocal procurements.

6.4.3.1 International Test& Evaluation Steering Committee (ITESC) and Management Committees (MCs)

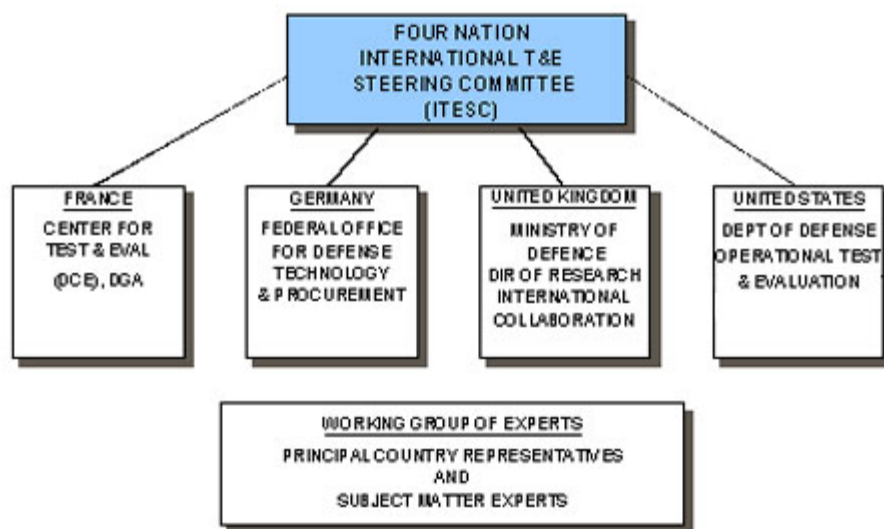


Figure 6-2 International Test Operations Procedures – Steering Committee

6.4.3.1.1 International Test& Evaluation Steering Committee

The MOU established a four nation International T&E Steering Committee (ITESC), which administers the ITOP program through direction and policy. Under the ITESC the ITOP program is structured into several Management Committee (MC) areas, under which 8 main Working Groups of Experts (WGEs) develop ITOPS for: Vehicles, Weapons/Ammo, Communications/Electronics, NBC Protection, Missiles & Rockets, Aviation, Modeling &

Simulation, and Marine/Naval. All the WGEs, but Marine/Naval also have sub-groups. At this writing the Marine/Naval WGE is inactive.

The International Test and Evaluation Steering Committee (ITESC) oversees the standardization and documentation of test operating procedures. The work of the committee is divided into the eight aforementioned subject areas of particular military test and evaluation concern. The MCs and WGEs report directly to the ITESC. Each ITESC member must sign, that is, ratify each ITOP which demonstrates that the ITOP is fit for and must be considered by each member nation for use in future tests and evaluations.

6.4.3.1.2 ITOPS Management Committees

MCs have been set up because of the increasing importance of integrating ITOPS work across the WGEs. The role of each MC is to provide a coordinated approach among WGE's and the ITESC.

6.4.3.2 ITOPS Working Groups of Experts

The WGE's are made up of experts from all four nations who work together to produce the ITOPS in the areas of Vehicles, Weapons/Ammo, Communications/Electronics, NBC Protection, Missiles & Rockets, Aviation, Modeling & Simulation, and Marine/Naval. The WGEs meet regularly to develop the ITOPS.

According to ITOPS policy and procedures, one nation is designated the lead nation in an ITOP's development, coordination and readiness for ratification and entry into force. Once an ITOP is ratified, it must be considered for use by all four nations in all future testing.

In addition each national WG Expert must:

- Ensure his/her work is done not only in accordance with the requirements of the MOU, but that, also, it reflects his/her national policy.
- Be cognizant of other international standards groups, such as the North Atlantic Treaty Organization (NATO), and coordinate efforts to minimize or eradicate duplication.

6.4.3.3 Third-Party Nation Participation

As noted, ITOPs continue to gain international recognition and use among nations outside of the four signatory nations. Third party nations often request participation in ITOP WGEs.

Only the four MOU signatory nations (France, Germany, The United Kingdom and the United States) are allowed *full* participation in the ITOP program. However, limited (technical) participation of third-party nations in WGEs may be allowed under the following conditions and restrictions:

- Unanimous recommendation of the WGE.
- Approval of the ITESC.
- Limited to one per WGE at any given time.
- Duration limited to a maximum period of 2 years. (may be extended for compelling reasons upon unanimous recommendation of the WGE and approval of the ITESC).
- Third-party Nation participation is limited to technical exchange without voting rights and without authority to ratify or object to ratification of an ITOP.

Third-Party Nation participants are granted access and full use of ITOPs which they helped develop.

6.4.3.4 ITOPS – The Wider Implications

The work of the ITESC, and the ITOPS produced, have wide implications in the world of T&E. ITOPs have documented standard test methods and techniques for specific topics within the aforementioned subject areas, such as, Fire Control, Airdrop & Transport, or Small Caliber weapon systems and, therefore, impact the T&E efforts of others which must be identified and coordination accomplished.

For example, NATO, recognizing ITOPS validity and value, has undertaken to endorse ITOPs not only via “Cover-Sheeting” ITOPS, but by actually using ITOPS as the basis for STANAGS, which has led to larger scale standardization of T&E practices.

The work of the ITESC and the ITOPs Management Committees have demonstrated the value and of and basis for these developments.

6.4.3.5 Why are ITOPs Needed?

International standardization of T&E allows significant savings to equipment procurement programs. Some of the many benefits to the member nations include:

- Data can be reliably reused;
- International co-operation & competition becomes much easier and more effective;
- Duplication of testing is avoided;
- There is confidence in components and systems tested;
- ITOPs provide a convenient basis for defining test procedures in international contracts.

6.5 SUMMARY

The TEP, FCT and ITOP activities conserve the defense resources of the U.S. and maximizes U.S. and its partner's cooperative test and evaluation projects, agreed upon international test operations procedures, and access to each other's test facilities.

TEP Cooperative Test and Evaluation project arrangements activities assess materiel interoperability and determine solutions for identified problems; increase coalition mission capability using materiel quantitative data for analysis; and improve modeling and simulation interoperability with field exercise data. TEP RUTF project arrangements enable U.S. and partners to access each other's test facilities for the pursuit of cooperative test and evaluation projects.

The FCT Program maximizes increasingly scarce defense resources by identifying, testing, and evaluating foreign NDI systems that potentially meet DoD Component requirements and provide significant benefits. These benefits constitute the foundation for a robust cost-saving program that improves the capabilities of the U.S. warfighter. For DoD Components, the FCT Program has consistently reduced acquisition costs. In the private sector, it has served as a catalyst for industry teaming arrangements; this is productive for both the U.S. and foreign industries in the increasingly competitive world market. Current policy guidance, specific

procedures and points of contact may be obtained from the FCT Web Site at <http://www.acq.osd.mil/cto/>.

2. International Test Operations Procedures (ITOPS) develop and implement ratified T&E procedures via WGEs (Working Groups of Experts): A governing MOU was executed which established an International T&E Steering Committee, and 8 T&E WGEs: Vehicles, Weapons/Ammo, Communications/Electronics, NBC Protection, Missiles & Rockets, Aviation, Modeling & Simulation, and Marine/Naval. The procedures developed by the WGEs are then ratified by the MOU's signatories ITESC national representatives from France, Germany, the United Kingdom and the United States. Using these agreed upon procedures allows the participants to efficiently and effectively and cooperatively execute developmental tests and evaluations of RDT&E defense materiel. Current ITOPS information may be found on the ITOPS Web Site at <http://www.acq.osd.mil/cto/>.

6.6 REFERENCES

1. [Title 10 U.S.C. Section 139](#), Director of Operational Test and Evaluation
2. [Title 10 U.S.C. Section 2350a](#), *Cooperative Research and Development Agreements: (g), "Side-by-Side Testing"*.
3. [Title 10 U.S.C. Section 2457](#) - *Standardization of equipment with North Atlantic Treaty Organization members.*
4. [Title 10 U.S.C. Section 23501](#) – *Cooperative Agreements for Reciprocal Use of Test Facilities: Foreign Countries and International Organizations*
5. [DoD Instruction 5000.02](#), *Operation of the Defense Acquisition System*, December 8, 2008.
6. [Comparative Technology Handbook](#) (FCT & DAC), ASD(R&E)/DASD(RF)/CTO, March 2012
7. [Defense Acquisition Guidebook](#), updated monthly

CHAPTER 7: TECHNOLOGY SECURITY AND FOREIGN DISCLOSURE

7.1 INTRODUCTION

Prior to involvement in a program that will include participation by a foreign government, international organization or their representatives (to include contractors), two basic security requirements - **access** and **protection** - must be considered and resolved as a first order of business. These requirements evolve from law and Presidential orders. The TS&FD Office (TSFDO), located at the [Defense Technology Security Administration](#), and the Office of the Under Secretary of Defense (Policy), Chief of Staff, Director, International Security Programs, in concert with DoD Component TS&FD organizations, are the focal points within the DoD for such matters.

Early consideration of TS&FD requirements as well as export control planning in international programs will enable the program to achieve maximum benefit from international involvement while avoiding negative impacts on cost, schedule and performance. The S&T/R&E (Pre-Systems Acquisition) project developer or (systems acquisition) engineering through deployment program manager should consider technology release in the initial planning of a project/program with international involvement through a review of existing TS&FD guidance and development of modified/new TS&FD elements of their [Program Protection Plan Outline & Guidance](#), July 2011.³⁵

An early decision by designated disclosure authorities (i.e., a Principal Disclosure Authority or a Designated Disclosure Authority) is the first order of business regarding whether the information to be involved (both classified and controlled unclassified information), can be shared with the other government or the international organization participants. The second requirement entails assurances that the foreign recipients will properly protect the information (normally in the form of a bilateral security agreement or security requirements detailed in a program specific agreement). Failure by DoD Components to consider these requirements prior

³⁵ Also, see Directive Type Memorandum (DTM) 11-053, Technology Security and Foreign Disclosure (TS&FD) Processes, January 9, 2012

to commitments on foreign involvement may well result in program delays at a critical stage in the program, which can be costly and embarrassing to the Department of Defense.

This chapter will briefly outline some of the key legal and national policy requirements from a security and technology transfer perspective that must be satisfied prior to involvement by DoD Components in an international program. It will identify the officials who are responsible for ensuring that the requirements are satisfied. The [*International Programs Security Handbook*](#), published by the Office of the Under Secretary of Defense (Policy), Chief of Staff, Director, International Security Programs, the office responsible for security arrangements for international programs, should be consulted for additional information and detailed guidance on the requirements. That Handbook is available on the Defense Acquisition University, Defense Institute of Security Assistance Management, and Defense Security Service websites.

7.2 LEGAL AND POLICY BASIS

7.2.1 The Arms Export Control Act

As indicated in earlier chapters, the Arms Export Control Act (AECA) and 10 U.S.C. 2350 provide the legal basis for most international cooperative programs. It is the AECA that provides the legal basis for the security and technology transfer requirements. Its provisions pertain to exports of both classified and unclassified defense articles and services, whether by sales, leases or loans, or as the result of a cooperative project. The AECA deals with the security requirements in terms of **access** and **protection**. It specifies, inter alia, that no U.S. defense articles and services (to include technical data) may be sold to other countries and international organizations and no agreement may be entered into for a cooperative project unless:

- The president finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of United States and promote world peace (**access**).
- The country or international organization shall have agreed: not to transfer title to, or possession of, any defense articles or defense services to include technical data and training so furnished to it, or produced in a cooperative project to anyone who is not an officer, employee or agent of that country or international organization; not to use or permit the use of such article or related training or other defense service for

purposes other than those for which furnished unless the consent of the President has been obtained; and, the country or international organization shall have agreed that it will maintain the security of such article or service or technical data and provide substantially the same degree of security protection afforded to such article or defense service or technical data by the United States (**protection**).

7.2.2 Executive Order 13526

Executive Order 13526 (December 29, 2009):

"... prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism. Our democratic principles require that the American people be informed of the activities of their Government. Also, our Nation's progress depends on the free flow of information both within the Government and to the American people. Nevertheless, throughout our history, the national defense has required that certain information be maintained in confidence in order to protect our citizens, our democratic institutions, our homeland security, and our interactions with foreign nations. Protecting information critical to our Nation's security and demonstrating our commitment to open Government through accurate and accountable application of classification standards and routine, secure, and effective declassification are equally important priorities."

As a result, this Executive Order establishes the U.S. government's Classified National Security Information Program. It identifies the information that may be classified, who may classify it, when and how it is to be declassified or downgraded, and basic safeguarding requirements. This order, the implementing Office of Management and Budget Directive on classification management and Presidential Directive on Safeguarding National Security Information, are all implemented within the Department by the DoD 5200.1-R, Information Security Program, January 14, 1997 (See also DTM-04-009 and DTM-04-010.). The Order also deals with access and protection. It specifies that:

- Access to classified information may be permitted when it is necessary to perform or assist in a lawful and authorized governmental function.
- Persons who disseminate classified information outside of the Executive Branch must assure that protection of the information is in a manner equivalent to that provided by the Executive Branch.

Executive Order 13526 contains two other provisions that are pertinent to international cooperative programs. These are that:

- Information classified by another organization may not be further disclosed without the consent of the originating organization.
- Information provided by another government or an international organization, or jointly produced with another government or an international organization, on the condition that the information or the source of the information will be held in confidence (i.e., “foreign government information”), will be protected under the Order. This information may be classified foreign government information or it may be controlled unclassified information that is protected by the laws and regulations of the originating country or organization and is provided to DoD “in confidence”. DoD 5200.1-R discusses these specific protection standards in more detail.

7.2.3 National Security Decision Memorandum 119 and the National Disclosure Policy

National Security Decision Memorandum 119 (NSDM-119) establishes the basic national policy governing the disclosure of classified military information (CMI) to foreign governments and international organizations. It is implemented by the interagency, “National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations and International Organizations” (also, “National Disclosure Policy” or NDP-1). The President has given the responsibility for implementing the policy jointly to the Secretaries of Defense and State. The Secretaries of Defense and State established the interagency National Disclosure Policy Committee (NDPC) to administer the National Disclosure Policy, promulgate implementing procedures, and consider requests for exception to the policy. This policy is implemented within the Department of Defense by DoD Directive 5230.11. The office that is responsible for policy guidance within the Department is the Under Secretary of Defense (Policy), Chief of Staff, Director, International Security Programs.

The Secretary of Defense and Deputy Secretary of Defense have “original disclosure authority” over DoD classified information. The Secretary, in DoD Directive 5230.11, has delegated disclosure authority to the heads of selected DoD Components. The heads of those Components are required to designate a Principal Disclosure Authority to oversee the implementation of NDP-1 and DoD Directive 5230.11 by their Component. The Principal

Disclosure Authorities for the Military Departments are, respectively, the Deputy Chief of Staff for Intelligence (G-2), Department of the Army; Assistant Secretary of the Navy for Research, Development, and Acquisition; and the Deputy Under Secretary of the Air Force for International Affairs.

The heads of DoD Components may further delegate disclosure authority to subordinate commands or elements to the extent necessary to carry out their missions. However, if authority is delegated, the subordinate command or element must appoint a Designated Disclosure Authority, who will be responsible to coordinate disclosure decisions and ensure compliance with prescribed disclosure policies. Only those officials who have been designated as a disclosure authority, or who have been given disclosure authority in a Delegation of Disclosure Authority Letter (see below), in writing, are authorized to make foreign disclosure decisions, and then only with respect to information over which they exercise disclosure authority and in compliance with DoD Directive 5230.11 and the terms of the delegation of authority.

Disclosure authority is normally delegated in the form of the Delegation of Disclosure Authority Letter (DDL). The DDLs may be issued to cover specific programs or categories of information. They will specify the scope of the information that is authorized for release to specified countries or international organizations, specific information that may and may not be disclosed, the person or persons who have the authority to make individual decisions, and the procedures to be followed. The DDLs are to be used by government employees; their content may not be shared with foreign persons. For military systems, the DDLs normally are prepared jointly by the responsible program office and the supporting Designated Disclosure Authority. However, a Principal or Designated Disclosure Authority ultimately approves all DDLs, to ensure compliance with national laws and policies. DDLs are extremely important instruments to facilitate future decisions on such matters as foreign participation in a program, foreign military sales and commercial sales, and follow-on support by foreign sources (e.g., the NAMSA).

7.2.4 Directive Type Memorandum (DTM) 11-053, Technology Security and Foreign Disclosure (TS&FD) Processes

This DTM is effective upon its publication to the DoD Issuances Website January 9,

2012; it shall be converted to a new DoD Directive. This DTM shall expire on July 10, 2012.

This DTM establishes the:

- Policy and assigns responsibilities for the reform of TS&FD processes to minimize process complexities; ensure timeliness and efficient processing of TS&FD release review requests; and implements holistic DoD-wide TS&FD release review procedures, and delineates the roles and responsibilities of the Arms Transfer and Technology Release (ATTR) Senior Steering Group (SSG).
- Technology Security and Foreign Disclosure Office (TSFDO) to serve as the central processing organization for ATTR SSG review and adjudication of DoD high level decisions (HLDs) and specialized routine decisions (SRDs) that impact DoD aspects of TS&FD release requests in accordance with its missions and functions.

The ATTR SSG mission is to develop, guide, and direct, consistent with U.S. policy and national security objectives, DoD-wide reform, implementation, and subsequent management of the DoD TS&FD system to ensure critical U.S. technologies are protected and release considerations are balanced with building allied and partner nation capability objectives.

TS&FD decisions are made after considering the potential benefits of building allied and friendly nation partner capability efforts to advance our political and military objectives while maintaining U.S. operational and technological advantages and protecting critical technology from diversion to potential adversaries. See process at figure 7-1.



DoD TS&FD System

-- Process Overview --

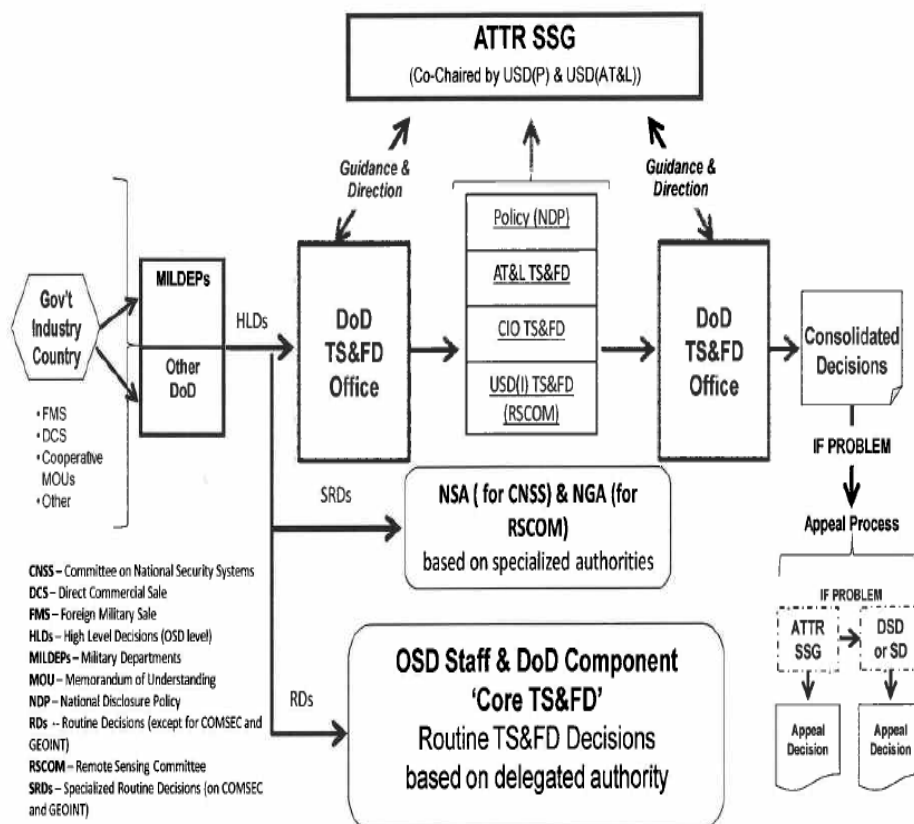


Figure 7-1 DoD TS&FD Process Overview
(This figure depicts future process flows for TS&FD reviews)

7.2.5 Export Control Compliance

Export control compliance is an important aspect of technology security that must be considered when developing an international cooperative program. The Defense Technology Security Administration (DTSA), in concert with DoD Component's technology security and foreign disclosure organizations, is the focal point within the DoD for export control compliance matters. For the most part, export control compliance in support of international cooperative agreements is accomplished by U.S. contractors obtaining export licenses through export license processes managed by the Department of State (for munitions list items) or Department of Commerce (for dual use items). However, the Department of Defense also possesses limited Arms Export Control Act and International Traffic in Arm Regulations (ITAR) exemption authority to authorize cooperative program-related exports when such exports further U.S. interests in defense cooperation with allied and friendly nations and meet specific criteria. To that end, DTSA published guidance to the DoD Components in March 2004 for certifying use of ITAR exemptions.

Under the 2004 guidance the Military Departments (MILDEPs), and U.S. defense companies have been allowed to export defense items via the ITAR which, as noted, provides for some exemptions from export licensing requirements. For a limited number of these exemptions, the Department may confirm--or certify--that the export activity qualifies for the use of an ITAR exemption. The goal of this initiative is for the MILDEPs to make more effective use of ITAR exemptions.

In support of this of initiative, the MILDEPs prepare letters certifying that a proposed export qualifies for the use of certain ITAR exemptions by exporters. To guide this approach, DTSA issued the aforementioned exemption certification guidelines in March 2004 to the MILDEPs because they are the DOD Components primarily responsible for managing and implementing defense international cooperative programs.

There is a problem, however, GAO found other DOD Components are also certifying the use of exemptions in support of international activities but, apparently, are not subject to the DTSA guidelines. Thus, be **forewarned** that State, which regulates and controls defense exports, has raised its concerns to the Department of Defense regarding its guidelines, including the use

of one ITAR exemption by contractors and the overall comprehensiveness of DTDA's guidelines. While State and DoD officials have met and exchanged correspondence on these issues, to date, they have not resolved fundamental disagreements.

Export control planning and implementation must also be addressed as an integral part of the initial planning of an IC in AT&L program through a review of NDP-1, and the development of the foreign disclosure and export control elements of the program's Technology Assessment/Control Plan (TA/CP). Key to effective TA/CP implementation in the export control compliance area is an effective and realistic Technology Release Roadmap (TRR). The TRR should forecast when export licenses would be required in support of the acquisition process, and when critical milestones regarding national disclosure policy implementation, to include acquisition programs with international involvement by foreign industry, would need to be addressed. The TRR generally includes the following three sections: (1) a timeline which maps key projected export licenses against the program acquisition schedule; (2) description of the technologies involved in each export license; and (3) a list of U.S. contractors (exporters) as well as foreign contractors (end users) for each license.³⁶

7.3 BILATERAL SECURITY AGREEMENTS

One of the criteria that must be satisfied when making foreign disclosure decisions or delegating disclosure authority is whether the recipient government or international organization has both the capability and the intent to protect the information or material in a manner substantially the same as the United States (see AECA and NSDM-119, above, which convey the same point). Capability is determined by the NDPC as the result of obtaining intelligence assessments of the security programs of various governments, and by conducting on-site evaluations of the programs. If these reviews are satisfactory, bilateral security agreements – General Security Agreements, General Security of Information Agreements (GSOIAs) or General Security of Military Information Agreements (GSOMIAs) – will be negotiated with the governments to establish the government's intent. These agreements will generally satisfy the AECA requirement for agreement by the foreign recipient on use, transfer, and protection. The Department of Defense negotiates Industrial Security Agreements with those governments with

³⁶ [Defense Acquisition Guidebook \(DAG\) – Chapter 11.2.1.3.4](#)

which it has commitments involving industry participation, such as the Reciprocal Defense Procurement agreements.

However, requirements on the protection of controlled unclassified information are not covered in the GSOIAs and GSOMIAs, and security requirements often are necessary beyond those set forth in the GSOIAs and GSOMIAs. Therefore, NATO and the Multinational Industrial Security Working Group (MISWG) have agreed on certain clauses that are to be included in program agreements to cover these issues. The clauses are contained in the DoD International Agreements' Generator (IAG). In the rare situation when a program agreement is negotiated with a country with which the United States does not have a security agreement, all of the security requirements must be included in the program agreement. The Office of the Director, International Security Programs, Office of the Under Secretary of Defense (Policy) Chief of Staff should be contacted for further guidance when such situations arise.

7.4 THE GOVERNMENT-TO-GOVERNMENT PRINCIPLE

Once a decision is made to disclose CMI to a foreign government or international organization, transfers must be affected in compliance with the “government-to-government principle”. The AECA, Executive Order 13526, and NSDM-119 form the basis for the government-to-government principle. There are two elements to this principle. First, all three documents mandate that decisions on the disclosure or export of classified or unclassified defense articles and technical data be made from a territorial perspective (even though physical transfer may involve a contractor or other representative). The decision to be made regarding disclosure or export is whether the United States would be willing to share a national asset (the defense articles, technical data, or other controlled information) with another country or an international organization. If the decision is affirmative, the other government or the international organization will be responsible to ensure protection of the information once it comes under its jurisdiction. Thus, the second element is that classified articles or data will be affected as a “government-to-government transfer”. This means that classified matter normally will be transferred through official government channels (e.g., military postal service registered mail, diplomatic pouch, government courier). However, in recognition of the fact that government channels are not always readily available, most governments with which the United States has security agreements have agreed that other means of transfer can be used. The use of

other means (e.g., hand carry by contractor employees, commercial freight) must be limited to information no higher than Secret (Top Secret material must always be transferred by government channels), result in the same degree of protection as the government channels, be agreed in writing between the sending and receiving governments, provide for the appointment of a Designated Government Representative (DGR) who will assume final custody and security responsibility, and provide for receipts to be obtained for information classified Confidential and Secret. The receipt is evidence of the transfer of security jurisdiction. Moreover, a Security Assurance must be provided by the responsible government on all foreign nationals who take custody of classified material (see below). Specific procedures are contained in the *Defense Acquisition Guidebook* or the Security Assistance Management Manual (SAMM) for government employees, in Chapter 10 of the National Industrial Security Program Operating Manual (NISPOM) for contractors, and in the *International Programs Security Handbook*.

7.5 INTERNATIONAL VISITS AND PLACEMENTS OF FOREIGN NATIONALS

Overseas visits by DoD employees and defense contractors, visits by foreign nationals to DoD organizations and defense contractor facilities, and placements of foreign nationals to DoD organizations under the Defense Personnel Exchange Program (DPEP), along with Cooperative Program/Project Personnel (CPP) and Foreign Liaison Officers (FLOs) present significant risks of unauthorized or inadvertent disclosures of classified and controlled unclassified information. Therefore, these activities must be carefully controlled. The following paragraphs highlight the aspects of DoD policy on these activities that are pertinent to IAC programs.

7.5.1 Visits Overseas by DoD Personnel and Defense Contractors

Overseas visits by DoD personnel are governed by DoD Directive 4500.54E and the DoD Foreign Clearance Guide (FCG - DoD 4500.54E). The Directive requires the DoD Components to develop implementing procedures, including the appointment of an official to oversee compliance and procedures to ensure that classified and controlled unclassified information to be disclosed are properly approved for disclosure. The procedures to be followed by DoD personnel for visits to various countries are contained in the FCG. Procedures for contractors are contained in Chapter 10 of the National ISPOM.

7.5.2 Visits and Assignments of Foreign Nationals to DoD Organizations and Contractor Facilities

DoD Instruction 5200.8 and DoD 5200.8-R require commanders of posts, bases, camps and stations to take measures necessary to protect government property and personnel at government facilities. This requirement covers any situation that is judged to pose a threat, including any type of visitor. DoD Directive 5230.20 contains DoD policy on visits and assignments of representatives of foreign governments and international organizations to DoD organizations. Procedures for such visits to security cleared defense contractor facilities are in Chapter 10 of the NISPOM. A foreign national may have access to classified information and controlled unclassified information only if they are sponsored by their government, and a disclosure decision has been made by a designated disclosure official.

If they are to be given access to classified or controlled unclassified information, foreign national visitors must be sponsored by their government, or by the international organization to which they are assigned, and the government or organization must provide a Security Assurance regarding the visitor. The security assurance is a certification by the sponsoring government or organization that the person has the requisite level of security clearance, the person may assume custody of or knowledge concerning classified information on behalf of the government or organization, and the government or organization will protect the information in compliance with pertinent security agreements.

Particular care must be exercised when considering the assignment of foreign nationals on site as CPPs, FLOs or as exchange personnel under the DPEP. These personnel normally may be assigned only pursuant to the terms of a specific international agreement (pursuant to DoD Directive 5530.3) that contains the terms of the assignment and the rights and obligations of the foreign national and the U.S. Government. Such personnel cannot normally serve concurrently as CPPs, FLOs and/or exchange officers, and neither can perform functions that are reserved for officials of the U.S. Government. DoD Directive 5230.20 must be consulted and legal advice should be obtained prior to entering into discussions that could lead to the assignment of foreign nationals to DoD organizations.

Foreign national visitors along with exchange and assignment personnel who are sponsored by their government or an international organization may be given access to only that classified or controlled unclassified information which has been authorized by a Principal or Designated Disclosure Authority for disclosure to the sponsoring foreign government or international organization. Contrary to often-cited “opinion”, such personnel are not to be “fully integrated” into DoD activities. They are not U.S. citizens and they do not have the rights or privileges of U.S. citizens; their allegiance is to a foreign country, even though the country may be a close ally or friend of the United States. Therefore, each potential exchange or assignment must be carefully analyzed prior to any commitments being made to assure that safeguards can be adopted to ensure that the person will have access only to that information which can be authorized for disclosure to the sponsoring government or organization. This requirement pertains to classified information and controlled unclassified information. Special attention must be given with respect to access to areas and electronic equipment that may present an opportunity for unauthorized access. All foreign nationals must be provided badges or passes that clearly identify them as foreign nationals. DoD Directive 8500.1E, *Information Assurance*, states that representatives of foreign governments, coalitions or international organizations may be granted access to DoD information systems provided that the sponsoring DoD Component authorizes such access, mechanisms are in place to strictly limit access to information cleared for release to those foreign governments and external access to the DoD network is regulated through the use of positive technical controls.

7.6 MULTINATIONAL INDUSTRIAL SECURITY WORKING GROUP

The Multinational Industrial Security Working Group (MISWG) was established by the NATO countries (less Iceland) as an ad hoc advisory group (Austria, Sweden, Switzerland, and other countries have subsequently joined). Its purpose is to rationalize the disparate security practices of the various NATO countries and develop standard procedures to be applied to IC in AT&L programs. The MISWG is not officially associated with NATO; however, NATO has adopted many of the MISWG procedures. Many of the MISWG countries also have adopted the procedures as their national procedures. Other countries, such as the non-NATO European Union countries, Australia, and New Zealand also have agreed to use the procedures. The

specific MISWG documents are contained in the appendices of the *International Programs Security Handbook*.

One of the MISWG documents is the Program Security Instruction (PSI). The PSI contains all of the security arrangements and procedures that form the security “Standard Operating Procedures” for an international program. If a PSI is properly prepared (and this must be accomplished as a team effort with the representatives of the participating countries) early in a program, and used in conjunction with the program DDL, export and disclosure decisions and transfers of material will be significantly expedited. Failure by program offices to prepare these documents early likely will result in significant program delays as well as potential security vulnerabilities. The International Programs Security Requirements Handbook contains procedures adopted by the MISWG. Of note, the requirement to complete a PSI is contained in format language used in the International Agreement Generator, discussed later in this Handbook.

7.7 PLANNING FOR SECURITY DURING SYSTEMS ACQUISITION

DoD policy, as prescribed in DoD Directive 5000.01 and DoD Instruction 5000.02, and DoD Instruction 5200.39 require that the DoD Components ensure that the technology development strategy (TDS) and the acquisition strategy include compliance with procedures for the protection of Critical Program Information (CPI). If CPI elements are identified for an acquisition program, a Program Protection Plan (PPP) must be developed as prescribed by DoD Instruction 5200.39 (NOTE: Also, see [USD\(AT&L\) Memorandum Subject: Document Streamlining – Program Protection Plan, July 18, 2011](#) and [DASD \(S&E\) Program Protection Plan Outline and Guidance, Version 1, July 2011](#)). The PPP is the comprehensive security plan for protecting the program and the system under development from compromise or inadvertent disclosure. If there is to be foreign involvement in the program, at any stage (including foreign sales and follow-on support), a Technology Assessment/Control Plan and DDL are required prior to Milestone A³⁷, that is, for or in concert with the development of the TDS. If an IC in AT&L international agreement will be developed to support the TDS, a Summary Statement of Intent

³⁷ DoDI 5200.39: It is DoD policy that: “d. To identify CPI early in the technology development, acquisition, and sustainment process; refine at each milestone or as directed by the Milestone Decision Authority (MDA); and to initiate and maintain the appropriate protection of CPI throughout its military life cycle.”

(SSOI) and DDL, also, will be required earlier than Milestone A per DoD Instruction 5000.02 and the DAG. The appropriate documents should be prepared as soon as foreign involvement is anticipated.

In the past, program managers have complained that the information necessary to develop the foregoing documents is not readily available and that it is not cost-effective to develop it. In fact, much of the required information necessary to prepare the PPP, TA/CP and/or SSOI, and DDL should be available, even prior to the designation of a PM. The documents that are prepared by the DoD Component organizations that prepare capabilities requirements documents prior to and just after Milestone A (e.g., Initial Capabilities Document, Technology Development Strategy, Analysis of Alternatives, Concept Development Document) contain most of the information that is necessary to prepare the PPP, TA/CP, and DDL. It is the responsibility of the DoD Components, the Joint Requirements Oversight Council (or other validation authority which approves the capabilities requirements documents prior to their submission to the Milestone Decision Authority (MDA)), and the responsible Integrated Product Teams, to ensure that they are properly prepared. Failure to do so will delay preparation of the security documents, which in turn will result in delays in export and disclosure decisions and the preparation of security procedures for the program. A detailed discussion of the TA/CP and DDL, along with examples, can be found at Chapter 8 and Appendices H and I of the *International Programs Security Handbook*.

7.8 SUMMARY

Military systems are developed to give U.S. warfighters the advantage in combat. DoD must enter into cooperative arrangements with allies and other friendly countries relating to the development of military systems for many valid reasons, including cost savings, and interoperability and coalition operations. However, there are risks involved in these arrangements, because DoD will be entrusting the partner countries with the responsibility to protect a valuable U.S. asset. Security planning, therefore, must be factored into the requirements for cooperative programs at the earliest possible time to protect United States national defense and foreign policy interests. This planning must take into consideration two important principles – access and protection. These basic principles are based on the requirements of the AECA, Executive Order 13526, and NSDM 119. Failure to plan for security and adhere to security

requirements make delay export and disclosure decisions. Ultimately, the program may be compromised.

7.9 REFERENCES

1. [Title 22 U.S.C. Section 2751](#), *The Arms Export Control Act* (Public Law 94-329 (1976)).
2. [Executive Order 13526](#), *Classified National Security Information*, December 29, 2009.
3. [National Security Decision Memorandum \(NSDM\) 119](#), *Disclosure of Classified United States Military Information to Foreign Governments and International Organizations*, July 20, 1971
4. [DTM-11-53, Technology Security and Foreign Disclosure \(TS&FD\) Processes](#), January 9, 2012
5. [DoD Directive 4500.54E](#), DoD Foreign Clearance Program (FCP), December 28, 2009.
6. [DoD Directive 5000.01](#), *The Defense Acquisition System*, May 12, 2003 *Certified Current as of November 20, 2007.*
7. [DoD Instruction 5000.02](#), *Operation of the Defense Acquisition System*, December 8, 2008.
8. [DoD Instruction 5200.39](#) *Critical Program Information (CPI) Protection Within the Department of Defense*, July 16, 2008, *Incorporating Change 1, December 28, 2010.*
9. [DoD Directive 5230.11](#), *Disclosure of Classified Military Information to Foreign Governments and International Organizations*, June 16, 1992.
10. [DoD Directive 5230.20](#), *Visits and Assignments of Foreign Nationals*, June 22, 2005.
11. [DoD Directive 5530.3](#), *International Agreements*, June 11, 1987 *Certified Current as of November 21, 2003.*
12. [DoD Directive 8500.01E](#), *Information Assurance (IA)*, October 24, 2002, *Certified Current as of April 23, 2007.*
13. [International Programs Security Handbook](#), dated February 1995, revised January 1, 2006.
14. [Defense Acquisition Guidebook](#), updated monthly
15. [DoD 5220.22-M](#), "National Industrial Security Program Operating Manual", February 28, 2006.
16. DoD 5220.22-M SUPPLEMENT 1, National Industrial Security Program Operating Manual Supplement, December 29, 1994
17. [Directive-Type Memorandum \(DTM\) 09-019](#) - "Policy Guidance for Foreign Ownership, Control, or Influence (FOCI)" September 02, 2009, *Incorporating Change 3, December 1, 2011*

CHAPTER 8: INTERNATIONAL DEFENSE TRADE AND INDUSTRIAL COOPERATION

8.1 INTRODUCTION

International Foreign Military and Defense Commercial Sales (FMS and DCS), purchases, and IC in AT&L cooperative production are common forms of international defense cooperation. These transactions are important in that they contribute to interoperability and promote cost savings (Better Buying Power), two of the key goals of the IC in AT&L programs.

Two forms of offsets, FMS coproduction and licensed production, also, contribute to interoperability, but do not necessarily promote cost savings. However, all these transactions are heavily regulated by most nations and are often politically sensitive because they involve both national security and public funding.

Although most DoD equipment is procured from domestic sources, the Department of Defense makes use of a worldwide supplier base. The Department of Defense is somewhat constrained by laws and regulations that discriminate against acquisition of non-U.S. products, such as the Buy American Act (requiring 50% U.S. content), the Berry Amendment (affecting procurement of food, clothing, or hand measuring tools), the specialty metals restriction, and annual Appropriations Act provisions that restrict the procurement of certain items to U.S. sources. To overcome some of these limitations, the Department has negotiated Reciprocal Defense Procurement Memoranda of Understanding (RDP MOUs) with NATO member nations and other allied and friendly governments. These RDP MOUs are international agreements intended to promote standardization, rationalization, and interoperability of military equipment.

In addition, Defense Trade Cooperation Treaties with Australia and the United Kingdom will provide greater access and sharing of equipment, technology, information and services between the United States and Australia, and the United States and the United Kingdom; see section 8.3.3.

The Congress has encouraged acquisition of defense equipment from U.S. allies to avoid duplication of research and development effort. The Foreign Comparative Testing program is funded by Congress and facilitates testing and acquisition of foreign-developed products when those non-developmental products can meet DoD requirements. This program has resulted in substantial cost-savings through avoidance of costly development programs.

Foreign-developed products acquired by the DoD are often produced in the U.S. under license. Examples of such products are the Rheinmetall 120mm tank gun used on the M1A1 Main Battle Tank, the Beretta 9mm pistol, the AV-8B Harrier aircraft, the Mark 92 naval fire control radar, the Oto Melara 76mm naval gun, the T-45 trainer, and the joint Navy/Air Force trainer (JPATS - [Joint Primary Aircraft Training System](#)).

In addition to specific IC in AT&L programs, the Department of Defense transfers defense equipment and provides defense services to allied and friendly governments through grant aid programs and the Foreign Military Sales program, both managed by the Defense Security Cooperation Agency (DSCA). These programs are authorized by the Arms Export Control Act and the Foreign Assistance Act, and are the only legal means by which the Department can transfer defense articles or services. U.S. defense company sales of defense articles and services are also controlled by the Arms Export Control Act and implementing regulations that require a State Department export license for every transaction. For reference sake, DoD Instruction 2040.02 defines “articles” as “any articles, materials, supplies, or manufactured products, including inspection and test equipment. This includes all commodities and products considered as ‘munitions’ and governed by the Department of State’s International Traffic and Arms Regulations, as well as all “dual use” commodities and products. Components are also included in this definition. The term, however, excludes technical data, “know-how,” and information in intangible form, such as that electronically transmitted.

Often, foreign governments seek to produce domestically part or all of the U.S.-developed defense equipment. Generally speaking, U.S. defense companies accommodate such foreign production and provide commercial licenses to the foreign governments or foreign firms. Such commercial licenses also require U.S. Government approval through the State Department

export licensing process. In some cases, the DoD transfers through FMS technical data packages that relate to such licensed coproduction programs.

8.2 LEGAL AND POLICY BASIS

The Arms Export Control Act (AECA) provides DoD legal authority to transfer defense articles and services to foreign governments. It regulates direct commercial transfers of defense articles and services from U.S. defense contractors to foreign governments, including transfer of technical information required for the development, production or maintenance of defense equipment. Direct commercial transfers are conducted under munitions export licenses issued by the Department of State, in consultation with the Department of Defense through the Defense Technology Security Administration (DTSA).

Dual-use **Export Administration Regulations (EAR)** distinguishes controlled items that can be used both in military and other strategic uses and in civil applications. EAR was designed primarily to implement the Export Administration Act of 1979 (as amended), which is not permanent legislation, but Presidential executive orders have directed and authorized the continuation in force of the EAR. The EAR do not have any clearly defined exemptions where DoD could transfer (or authorize transfer of) tech data or items without a license, when in the best interest of DoD.

The Security Assistance Management Manual (SAMM) contains policy and procedures regarding all FMS activities, including FMS coproduction.

The International Traffic in Arms Regulations (ITAR) establishes U.S. Government policies and procedures that govern the munitions export license process.

8.3 FOREIGN INDUSTRIAL PARTICIPATION IN INTERNATIONAL COOPERATIVE ACQUISITION, TECHNOLOGY AND LOGISTICS PROGRAMS

8.3.1 Reciprocal Defense Procurement (RDP) MOUs establish procurement principles and procedures that provide for transparency in the conduct of defense procurements, and enhance access for each country's defense market by removing discriminatory barriers to

purchase of defense supplies and services to the extent mutually beneficial and consistent with national laws and regulations and international obligations.

Based on the RDP MOU, each country affords the other certain benefits on a reciprocal basis. DoD classifies RDP MOU partners as “qualifying countries” and the DoD Federal Acquisition Regulation Supplement (DFARS) accords them special treatment, including: (1) provision for duty-free entry of goods delivered under defense contracts, (2) treatment as compliant sources for components that contain specialty metals, for purposes of the Specialty Metals Restriction (10 U.S.C. 2533b), and (3) treatment as domestic items manufactured or produced in the partner country. As set out in Table 8-1, there are 21 RDP MOUs currently in force. Blanket public interest exceptions to the Buy American Act (BAA) (41 U.S.C. 10a-d) have been made for 20 of these RDP MOU countries by the Secretary of Defense.

The Buy American Act and the DoD Balance of Payments Program (restricting construction materials to U.S. sources) are waived for all qualifying countries listed in Table 8-1. Foreign procurements can be restricted for national defense reasons, national disclosure policy, defense mobilization requirements, export control, other U.S. laws or regulations, or industrial security requirements.

Reciprocal Defense Procurement (RDP) MOUs

Blanket Public Interest Exceptions to the Buy American Act

Australia	Luxembourg
Belgium	Netherlands
Canada	Norway
Egypt	Portugal
Denmark	Spain
France	Sweden
Germany	Switzerland
Greece	Turkey
Israel	United Kingdom
Italy	

Case by Case Exceptions to the Buy American Act

Austria	Finland
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Table 8-1 RDP MOUs by Category and Country

8.3.2 Defense Production Sharing Program (DPSP) and Defense Development Sharing Program (DDSP)

The program under which Canadian sources may be involved in the U.S. procurement process, which takes place in accordance with Chapter 2, paragraph 2.4.5. Under these agreements, the U.S. provides preferential access to Canadian suppliers to support the North American industrial base, and Canada relies on the U.S. for most of its major weapon systems. For production planning purposes, Canada is part of the North American defense industrial base under the Defense Federal Acquisition Regulations, Subpart 225.870 - Contracting with Canadian Contractors.

8.3.3 Defense Trade Cooperation Treaties (DTCTs) with Australia, and the United Kingdom enhance IC in AT&L with two of our closest allies. The treaties are important to the advancement of American, Australian and British security cooperation and offer important benefits to U.S. industry and the American military. They permit the U.S. to trade many technologies, services and defense articles with Australia and the UK without an export license. These treaties will ease other restrictions associated with the International Traffic in Arms Regulations (ITAR) by creating a comprehensive framework that will allow a significant amount of defense trade to be carried out without prior government approval.

On April 13, 2012, the United States and the United Kingdom exchanged diplomatic notes bringing the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation into force.

Currently, the U.S./Australian (AUS) Treaty is undergoing “pathfinder” testing to ensure that appropriate policies and procedures are in place which will render this Treaty also execution ready during 2012. The goal of the “pathfinders” is to define precisely how the Treaty will operate in the U.S. and Australia. As a result, this implementation readiness testing identifies required changes or revisions to U.S./AUS regulatory regime(s) (the ITAR in the U.S. case), and in Australia’s case not only its regulatory regime, but also its law.

Lastly, all changes will have to be implemented in order that both Treaties accomplish their goal of license-free exports of defense articles and services between Australian and U.S.

government entities, and Australian and U.S. companies; and Her Majesty's Government, and USG entities, and UK and U.S. companies – the “approved community” – that must meet stipulated security and regulatory requirements.

















<u>U.S./UK and U.S./Australia DTCTs Key Documents</u>	
FAQs	
Fact Sheet  (PDF, 62KB)	
Secretary's Statement on Defense Trade Treaties  (PDF, 77KB)	
United Kingdom	Australia
126.17 of the ITAR  (PDF, 182KB)	126.16 of the ITAR
Supplement No. 1 to Part 126 Exempt Technologies  (PDF, 170KB)	Supplement No. 1 to Part 126 Exempt Technologies
Treaty Reference System (TRS) ACID Check (TRS Web Application)	TRS ACID Check (TRS Web Application)
Resolution of Ratification  (PDF)	Resolution of Ratification  (PDF)
Treaty  (PDF)	Treaty  (PDF)
Implementing Arrangement  (PDF)	Implementing Arrangement  (PDF)
Exempted Defense Articles  (PDF)	Exempted Defense Articles  (PDF)
Approved End-Use Lists	
HMG End-Use  (PDF, 118KB) ³⁸	AUS End-Use - TBD ³⁹
Cooperative Programs  (PDF, 217KB)	Cooperative Programs - TBD
Combined Operations  (PDF, 7KB)	Combined Operations - TBD
Approved UK Intermediate Consignees List  (PDF, 185KB) (Updated)	Approved AUS Intermediate Consignees List

Table 8-2 U.S./AUS DTCT Background Material and Key Documents, Regulations and Lists

Such international government-industrial collaboration will further avoid duplication of S&T, and research, development, test and evaluation (RDT&E) efforts; reduce weapons systems acquisition costs (BBP); and help the defense establishments and industries of the 3 countries maximize their defense investments; they will facilitate closer, more efficient and more profitable relationships among the defense suppliers of all 3 nations.

8.4 FOREIGN PRODUCTION OF U.S. DEFENSE ARTICLES *(to include FMS/DCS Co-Production and Licensed Production Deals, i.e. Offsets; and The Impact of Defense Trade Offsets on the U.S. Industrial Base)*

Even though the U.S. Government cannot enter into, encourage or finance offsets agreements, the USG describes an offset as:

³⁸Note: Approved USG End-Uses should be identified within the contract.

³⁹IBID

“...the entire range of industrial and commercial benefits provided to foreign governments as an inducement or condition to purchase military goods or services, including benefits such as co-production, licensed production, subcontracting, technology transfer, in-county procurement, marketing and financial assistance and joint ventures”⁴⁰

“The decision whether to engage in offsets and the responsibility for negotiating and implementing offset arrangements resides with the companies involved.

“In fairness, it must be recognized that American defense contractors have used offsets in the past quite successfully to make export sales. In the past, the U.S. defense dominance in the defense sector meant that offsets were generally small. Sweeteners to close a deal at levels of 30 percent offsets were common.

“These deals were good for American industry and the American worker. Even as offsets grew toward 100 percent, they were still creating jobs. But now the European defense industries compete head to head with the U.S. companies for an ever-shrinking foreign defense market. The result: A buyer's market that demands higher and higher offsets.

“... Today, offset requirements regularly reach levels of 200 and even 300 percent of the value of the sale...

“... Our close allies and trading partners cry foul when the Congress seeks to ensure the capability of our defense supply base with a 50 percent domestic source requirement in the Buy American Act and then disingenuously ignore the fact that they apply 200 percent offsets to their own purchases.

“So we face a very complex problem that once was small but now has reached a level that demands that it be brought under control.”⁴¹

As a result, since 2004, the USD (AT&L), in accordance with Defense Production Act of 1950 (DPA), Section 7 (c) of P.L. 108-195 amended Section 123 (c) of the DPA, has been leading an interagency team, and the Director, International Cooperation an interagency working group to consult with foreign nations on limiting the adverse effects of offsets in defense procurement without damaging the economy, defense industrial base, defense production, or defense preparedness of the United States. The statute further provided that the team be comprised of the Secretaries of Commerce, Defense, Labor, and State, and the U.S. Trade Representative.

⁴⁰ U.S. Defense Offsets Disclosure Act of 1999

⁴¹ House of Representatives, Committee on Armed Services, Hon. Duncan Hunter (chairman of the committee) presiding; and opening statement; Washington, DC, Thursday, June 17, 2004.

The interagency team:

- Has concluded that the United States is not alone in its concerns about the use of offsets in defense procurement.
- Recommends that:
 - Dialogue with nations and international organizations should continue to promote global understanding of how the different types of offsets impact the industrial base ;
 - Nations demanding offsets should give contractors maximum flexibility in fulfilling offset requirements so they can make sound business decisions.
- Encourages:
 - The development of global offset principles to limit the adverse effects of offsets;⁴²
 - More IC in AT&L projects because they do not require offsets among the partnering nations. Participation of national contractors should be based on competition and best value.⁴³

Therefore in accordance with the last sub-bullet above IC in AT&L cooperative production is the “best deal” for U.S. industry.

8.4.1 Cooperative Production

This type of production is conducted with a partner(s) nation in accordance with DoDD 5530.3, DoDI 5000.02 and the DAG under an IC in AT&L international agreement, and features a division of labor. Each partner produces parts of a system and acquires other parts from partners. Final assembly can be conducted by one or more of the partners. Most cooperative production programs naturally evolve from Engineering and Manufacturing Development phase partnerships (e.g. the Rolling Airframe Missile (RAM) program with Germany and the Multi-Functional Information Distribution System with France, Germany, Italy, and Spain).

⁴² Report of the Interagency Team on Consultation with Foreign Nations on Limiting the Adverse Effects of Offsets in Defense Procurement, December 2011

⁴³ IBID December 2006

Otherwise, as noted, foreign production of U.S. defense articles may be and often is undertaken to satisfy foreign domestic defense industry development or to establish a foreign domestic maintenance capability. The two following direct offsets are often utilized authorize foreign production of U.S. defense articles or systems components:

8.4.2 FMS/DCS Co-production

Co-production can be a direct commercial sales agreement, a foreign military sales agreement or a combination of both. The co-production agreement (i.e., Memorandum of Agreement/Understanding (MOA/MOU) or Letters of Offer and Acceptance (LOA)) serves as the baseline repository for all standalone agreements that have been worked out separately. Thus its importance; it brings all the standalone documents regarding industrial participation such as any export licenses, manufacturing license agreement and technology transfer documents together and hosts them within the body of the co-production agreement. As a result, the co-production agreement is the one document that can be referred to whenever potential issues come up. If necessary, the co-production agreement will document and/or contain the path to the manufacturing license agreement.

A co-production agreement also spells out the specific responsibilities of the DoD Component, foreign government and the prime contractor.⁴⁴

FMS co-production agreements are governed by the Security Assistance Management Manual (E-SAMM), Chapter 11, Section C11.9 – International Agreements. DoD acquisition personnel should consult their DoD Component Security Assistance organization or DSCA to obtain further guidance regarding the development and implementation of FMS co-production programs.

8.4.3 FMS/DCS Licensed Production

The difference between co-production and licensed production is that the U.S. partner desires to produce the weapons system independently and thus seeks a license and the technology transfer that goes with it to produce U.S. equipment without any cooperation with the

⁴⁴ Foreign Military Sales, Co-production and Offset White Paper, May 14 ,2009, Dr. Michael Smilnak, PhD © 2009

United States. The requirement to “license produce” usually stems from the desire to be totally independent and/or the need to create jobs within the foreign nation’s own commercial defense sector.

This type of production involves use of munitions export licenses issued by the Department of State (usually after consultation with DoD) to enable U.S. companies to transfer to foreign governments or foreign companies the ability to produce U.S. origin defense articles. Note that the U.S. origin defense articles proposed for licensed production may not even be in DoD use, or may be a significantly modified version of DoD equipment in either development or production. DTSA, in concert with the other DoD Components’ staff, plays a leading role in formulating DoD’s position with regard to U.S. industry licensed production proposals. Due to the complex nature of licensed production programs, and their propensity to affect numerous DoD Components, DoD acquisition personnel should consult their cognizant international programs organization to obtain information and advice regarding such efforts.

8.5 SECURITY OF SUPPLY ARRANGEMENTS

The Department of Defense has entered into arrangements with several nations to ensure the mutual supply of defense goods and services. These bilateral Security of Supply arrangements allow the Department to request priority delivery for DoD contracts, subcontracts, or orders from companies in these countries. Similarly, the arrangements allow the signatory nations to request priority delivery for their contracts and orders with U.S. firms.

Currently, the Department has Security of Supply arrangements with the UK, Sweden, the Netherlands, Italy, Finland, and Australia, and there is a similar arrangement with Canada through the Department of Commerce. Discussions with additional countries are on-going, so readers are advised to check the Office of Manufacturing and Industrial Base Policy website at <http://www.acq.osd.mil/mibp/supply.shtml> for updates on countries participating in Security of Supply arrangements.

Security of Supply arrangements are conducted under the overarching Declarations of Principles for Enhanced Cooperation in Matters of Defense Equipment and Industry that have been signed with certain nations. Security of Supply arrangements implement the “Meeting

National Defense Requirements” section of these documents, which recognizes the potential for a certain degree of mutual interdependence of supplies needed for national security, and calls for the parties to explore solutions for achieving assurance of supply.

Reciprocal industrial priority systems encourage partner nations to acquire defense goods from each other, promote interoperability, and provide assurance of timely delivery during peacetime, emergency, and armed conflict.

The Department of Defense uses the Defense Priorities and Allocations System (DPAS) to provide priority support in the United States. Information on DPAS can be found at: <http://www.bis.doc.gov/dpas/default.htm>

Partner nations have instituted, or are in the process of instituting, government-industry “codes of conduct” whereby partner nation firms agree to make every reasonable effort to provide priority support. Participation in these codes of conduct is voluntary. Partner nation firms may offer their participation in a code of conduct as an indication of their reliability in providing defense goods and services to the Department of Defense and its contractors.

DoD program managers, contractors, and subcontractors acquiring materials and services from participating firms may request priority delivery for their contract, subcontract, or order when necessary to meet U.S. defense requirements.

In addition, program managers, contractors, and subcontractors may request assistance when acquiring an item from a firm which is located in a participating country but is not itself participating in that country’s code of conduct. In such cases, the Department will request the foreign Ministry of Defense ask the company to join its code of conduct, or otherwise provide priority support for the U.S. defense order. Persons seeking priority assistance should contact the DoD DPAS Program Manager at: MIBP@osd.mil.

8.6 DEFENSE TRADE ADVOCACY (DTA)

DTA is an interagency program that allows for U.S. government personnel to make recommendations regarding particular U.S. firms or their products to foreign governments. The Department of Commerce is lead for DTA in coordination with the Departments of Defense and State. Within the Department the Defense Security Cooperation Agency has the lead in

+coordination with the OUSD(AT&L), Joint Staff, Combatant Commanders, and Military Departments. Within the OUSD(AT&L), Director, International Cooperation has the lead in coordinating with Defense Procurement & Acquisition Policy, Industrial Policy, and Portfolio Systems Acquisition. The Department of Defense relies on only one official guidance document in making advocacy determinations. This is a Secretary of Defense memorandum, SUBJECT: Policy on Letters Encouraging Foreign Governments to Procure from American Sources, dated July 21, 1995. It is the general policy of the Department to encourage foreign governments to buy American defense-related products when sales of such products are consistent with U.S. national security and foreign policy interests and the products are authorized by the U.S. Government for international marketing or export. Generally, care should be taken not to support one American firm over another.

8.7 SUMMARY

As described above, there are a number of mechanisms whereby the U.S. can take advantage of foreign participation in systems acquisition and production. Questions and issues regarding cooperative production and FMS/DCS coproduction and licensed production (types of offsets) are often quite complex, thus acquisition professionals should consult with their Component international programs organization for assistance and guidance in pursuing foreign coproduction opportunities.

8.8 REFERENCES

1. "Buy American Act" means Title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 ([Title 41 U.S.C. Section 10a](#))
2. [U.S. Defense Offsets Disclosure Act of 1999](#)
3. [Title 10 U.S.C. Section 2533b](#), Requirement to Buy Strategic Materials Critical to National Security from American Sources; Exceptions
4. Report of the Interagency Team on Consultation with Foreign Nations on Limiting the Adverse Effects of Offsets in Defense Procurement, December 2006 and 2011.
5. Defense Production Act of 1950 (DPA). Section 7 (c) of P.L. 108-195 amended Section 123 (c) of the DPA.
6. [Federal Acquisition Regulations, Subpart 25.3, Balance of Payments Program](#)
7. [International Traffic in Arms Regulations \(ITAR\)](#), April 1, 2009
8. [Export Administration Regulations \(EAR\)](#), updated regularly
9. [DoD Instruction 2040.02](#), *International Transfers of Technology, Articles, and Services*, July 10, 2008

10. [DoDI 5000.02](#), *Operation of the Defense Acquisition System*, December 2, 2008 (Also see: a) [Directive-Type Memorandum \(DTM\) 09-027](#) – Implementation of the Weapon Systems Acquisition Reform Act of 2009, December 04, 2009, *Incorporating Change 3, December 9, 2011*; and b) [DTM 11-003](#) – Reliability Analysis, planning, Tracking, and Reporting, March 21, 2011; *Incorporating Chang3 1, December 2, 2011*.)
11. [DoD 5105.38-M](#), *Security Assistance Management Manual*, E-SAMM.
12. [DoDD 5530.3](#), *International Agreements*, June 11, 1987; *Incorporating Change 1, February 18, 1991; and Certified Current as of November 21, 2003*.

CHAPTER 9: DOD (CONUS) COMPONENTS ORGANIZATIONS SUPPORTING IC IN AT&L

9.1 INTRODUCTION

This chapter briefly describes the DoD CONUS Components organizations involved with IC in AT&L. Figure 9-1 illustrates the key OSD organizations that have armaments cooperation oversight, review, coordination, or implementation responsibility in one or more of the functional areas described in subsequent chapters of this Handbook. A brief description of key DoD CONUS organizations responsibilities in the area of IC in AT&L is provided in this chapter.

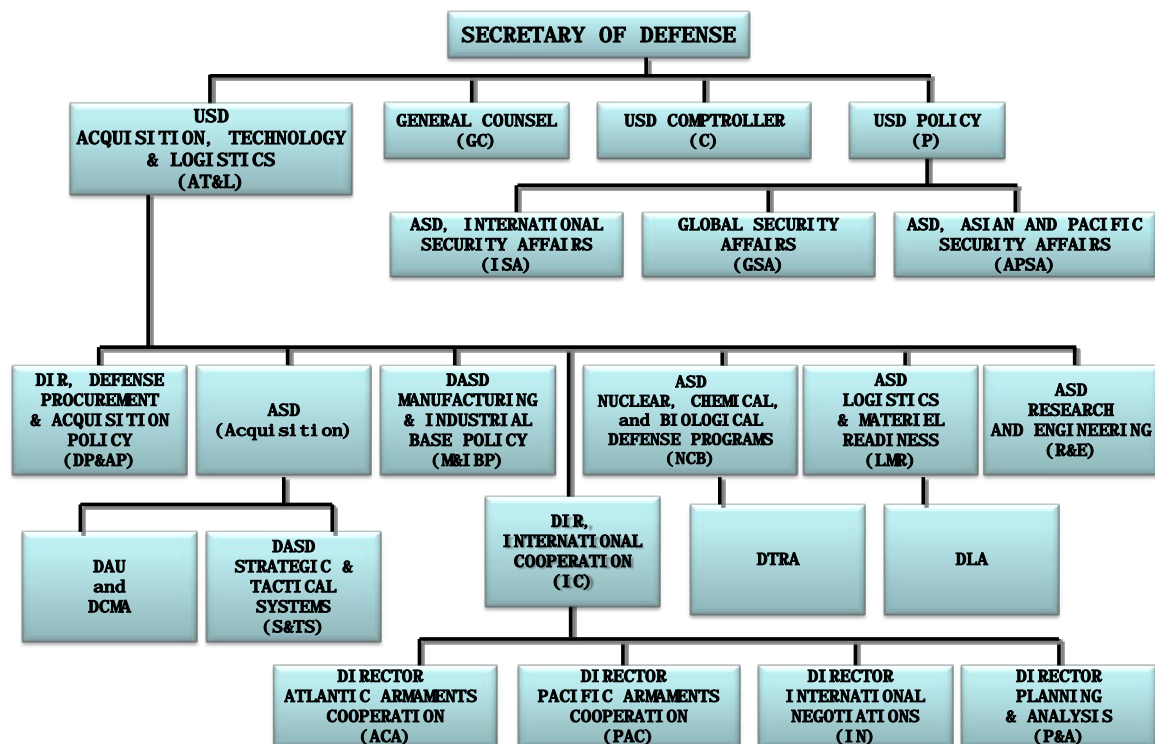


Figure 9-1 OSD Offices involved in International Cooperation

9.2 LEGAL and POLICY BASIS

9.2.1 Legal Basis

Foreign Assistance Act of 1961 (P.L. 87–195) Sec. 625. The Foreign Assistance Act of 1961, Part II, Chapter 2 Administration, Section 625, Employment of Personnel, as amended, confers upon the President the authority to staff USG in order to carry out the State, Defense, U.S. Agency for International Development etc requirements of the FAA.

9.2.2 Policy Basis

The DoDD 5134 series spells out OSD Components' responsibilities in support of IC in AT&L. Other DoD Components responsibilities re IC in AT&L are spelled out in each component's regulations.

9.3 OSD ORGANIZATIONS SUPPORTING IC in AT&L

9.3.1 The Under Secretary of Defense for Acquisition, Technology and Logistics USD(AT&L)

The USD(AT&L) is the Principal Staff Assistant and advisor to the Secretary of Defense for all matters relating to the DoD Acquisition System; research and development, modeling and simulation; systems engineering; advanced technology; developmental test and evaluation; production; systems integration; logistics; installation management; military construction; procurement; environment, safety, and occupational health management; utilities and energy management; business management modernization; document services; and nuclear, chemical, and biological defense programs.

The USD(AT&L) has many international responsibilities, many of which are prescribed by DoD Directive 5134.01. They are as follows.

Develop, in coordination with the Under Secretary of Defense for Policy (USD(P)), and the General Counsel of the Department of Defense, agreements with friendly and allied nations and international organizations relating to acquisition matters, consistent with DoD Directive 5530.3

Establish policies and procedures, in coordination with the USD(P), for the effective development of AT&L programs that support current security cooperation goals.

In consultation with the USD(P), establish and manage the cooperative R&D program, and promote the establishment of mutually beneficial international cooperative R&D programs consistent with national security considerations.

In coordination with the USD(P) and the Director, Defense Security Cooperation Agency, as appropriate, develop foreign disclosure and sales policies and procedures for AT&L-related information, technology, and systems (including proposed international cooperation, Foreign Military Sales, and direct commercial sales) in accordance with National Disclosure Policy-1 and the export license approval processes governed by the International Traffic in Arms Regulations and Export Administration Regulations.

Serve as the National Armaments Director (NAD) at the North Atlantic Treaty Organization (NATO) Conference of National Armaments Directors (CNAD) and in other similar NAD-level multilateral and bilateral fora. Establish and publish policies and procedures governing DoD Acquisition System activities in support of the CNAD, the Senior NATO Logisticians Conference, the NATO Research and Technology Organization, and other similar multilateral or bilateral fora.

9.3.1.1 Director, International Cooperation (Directorate) (DIR(IC))

The OUSD(AT&L) Director (IC) advises and provides a single, integrated picture of international cooperative programs to the Under Secretary of Defense for Acquisition, Technology and Logistics, and establishes policy for international armaments cooperation programs. The four offices that provide support to the Director, IC include:

9.3.1.1.1 Director, Armaments Cooperation Atlantic (DIR(ACA))

The Director, Armaments Cooperation Atlantic supports the USD(AT&L) and the Director, IC as the DoD focal point for defense-related research, development, production and other acquisition activities that involve cooperation between the Department of Defense and/or U.S. defense industries, and the defense establishments and/or industries of allies and friends in Europe, (to include Russia, Ukraine), Central Asia, Eurasia and Canada. ACA manages DoD

participation in multilateral armaments cooperation bodies such as the NATO CNAD and its subordinate bodies, and other formal and informal multilateral and bilateral armaments cooperation relationships.

9.3.1.1.2 Director, Pacific Armaments Cooperation (DIR(PAC))

The Director, Pacific Armaments Cooperation supports the USD(AT&L) and the Director, IC as the DoD focal point for defense-related research, development, production and other acquisition activities that involve cooperation between the Department of Defense and/or U.S. defense industries and defense establishments and/or industries of allies and friends in Asia, Australia, the Pacific, the Middle East, South America, and Africa.

9.3.1.1.3 Director, Planning & Analysis (DIR(P&A))

The Director of Planning & Analysis provides direct analytic and management support to the USD(AT&L) and the Director, IC on cross-cutting international issues that do not fit into a country or region-specific context. P&A is the focal point for various interagency efforts, including the congressionally mandated study on limiting the adverse effects of offsets and Defense Trade Advocacy requests. Additionally, P&A provides guidance and oversight on strategic planning, science and technology, acquisition, and logistics issues (including Acquisition & Cross-Servicing Agreement policy) relating to international cooperative programs. P&A supports the Director, IC as the Functional Advisor for the International Acquisition Career Path for the Defense Acquisition Workforce. The office also manages the DoD Coalition Warfare Program, a defense-wide effort to assist the Combatant Commanders, Military Departments (MILDEPs), and other DoD Components in integrating coalition-enabling solutions into existing and planned U.S. programs.

9.3.1.1.4 Director, International Negotiations (DIR(IN))

The Director, IN responsibilities includes oversight of International Agreement policy and development. This includes review, coordination, approval, and trouble-shooting of agreement-related issues. Agreement types under the purview of this office include: Cooperative Research & Development and Production Memoranda of Understanding, Project Arrangements, Loan Agreements, Information Exchange Program Annexes, and End Use Certificates. IN serves as the USD(AT&L) representative to the National Disclosure Policy Committee and conducts

National Disclosure Policy review and oversight of technology transfer issues for both foreign sales and cooperative programs. Director, IN is also responsible for interagency coordination of cooperative programs and for leading special projects, such as representing the Department of Defense in defense-related Treaty negotiations.

9.3.1.2 Director, Defense Procurement & Acquisition Policy (DIR(DPAP))

The Director (DPAP) has primary responsibility for development, negotiation, and implementation of DoD reciprocal defense procurement (RDP) agreements as well as review of any other international agreement that involves contracting or procurement. RDP agreements with NATO member nations and other allied and friendly governments are intended to promote standardization, rationalization, and interoperability of military equipment. RDP agreements usually, but not necessarily, waive Buy American Act restrictions for those nations that agree to reciprocate by waiving their national restrictions on foreign sources for defense products.

9.3.1.3 Assistant Secretary of Defense for Acquisition (ASD(A))

The Assistant Secretary of Defense for Acquisition (ASD(A)) provides oversight and policy direction to the Secretary, Deputy Secretary, and USD(AT&L), which reaches across the Department of Defense improving acquisition processes, major defense acquisitions programs (MDAPs), strategic and tactical systems, space and intelligence acquisitions, and performance assessments and root cause analyses (PARCA). OASD(A) also oversees:

9.3.1.3.1 Deputy Assistant Secretary of Defense, Strategic and Tactical Systems (DASD(S&TS))

The DASD(S&TS) is the principal advisor to the USD(AT&L) for acquisition programs in assigned mission areas, and the integration of acquisition programs into joint warfighting architectures.

Staff from ODASD(S&TS) attend OUSD(AT&L)/Comparative Technology Office's annual FCT program's tiger team, as OSD subject matter experts, that (concomitant with staff from the Comparative Technology Office, the MILDEPs and SOCOM) determine which FCT projects will be funded during the upcoming FY.

9.3.1.3.1.1 Director, Air Warfare (AW)

Responsible for acquisition oversight of tactical and strategic programs for fixed-wing piloted aircraft and associated subsystems in the following air warfare areas:

- Air Superiority
- Defense Suppression
- Deep Strike/Interdiction
- Global Mobility and Refueling
- Global Surveillance
- Electronic Warfare
- Precision Guided Weapons
- Cruise Missile Systems

Leads or serves on special committees that address issues pertaining to air warfare programs and associated capabilities

9.3.1.3.1.2 Director, Land Warfare & Munitions (LW&M)

Serves as the primary point-of-contact in the Office of the Secretary of Defense for matters dealing with land warfare and munitions

Responsible for acquisition oversight and technology advancement of tactical land warfare and conventional munitions programs in the following areas:

- Army/Marine Corps/Air Force rotary-wing and tilt-rotor aviation
- Combat and tactical vehicles (tracked and wheeled)
- Conventional munitions
- Force protection and physical security
- Focused and precision munitions
- Munitions safety and demilitarization
- Non-lethal weapons
- Robotics and unmanned ground vehicles
- Radars
- Radios and ground networks
- Soldier Systems

Supports related program acquisition and life-cycle consideration.

Manages the DoD Joint Ground Robotics Program.

Manages joint DoD/DOE program integration in the areas of munitions, energetic and modeling and simulation.

Manages Insensitive Munitions and Fuze Science and Technology Programs.

Initiatives

- Robotics Technology Consortium
- DoD Ordnance Technology Consortium
- Embryonic Vertical Lift Consortium

9.3.1.3.1.3 Director, Naval Warfare (NW)

Responsible for acquisition oversight of tactical & strategic naval warfare programs and capabilities in the following areas:

- Surface Warfare (Carriers, Surface Combatants)
- Undersea Warfare (Submarines, Mine Countermeasures, Mining)
- Anti-submarines Warfare (including Helicopters and Aircraft)
- Expeditionary Warfare (Amphibious Ship Operations)
- Strategic Sealift, Combat Logistics Force, and Maritime Pre-positioned Forces
- Naval Combat Systems
- Naval Weapons and Sensors
- Naval Systems Interoperability and Integration
- Net Centric Warfare
- Unmanned Surface and Undersea Systems
- Maritime Domain Awareness

Responsible for all matters dealing with shipbuilding; naval warfare; naval systems' research and development and acquisition within the Office of Secretary of Defense.

Leads or serves on appropriate committees that address naval systems issues for the Department of Defense.

Leads or serves on appropriate committees that address joint or naval interoperability.

9.3.1.3.1.4 Director, Strategic Warfare (SW)

The scope of the Strategic Warfare mission includes programs that will provide the nation with integrated global offenses and defenses that can assure allies and dissuade, deter, and defeat global adversaries. These programs will lead to new U.S. strategic military capabilities for:

- Integrated homeland and theater missile defense
- Integrated air and missile defense
- Synchronized, tailored kinetic strike effects on surface, and underground hardened, and mobile targets worldwide, including adversary Weapons of Mass Destruction (WMD)
- Prompt global strike, intercontinental and sea-launched ballistic missiles and hard and deeply buried target defeat

Provides support to Portfolio Systems Acquisition (PSA) and Under Secretary of Defense for AT&L on Missile Defense Agency (MDA) Ballistic Missile Defense System (BMDS) elements to include:

- Transition and transfer of BMDS elements to the services
- Life Cycle Management Process (LCMP) activities
- Planning, Programming, Budgeting and Execution (PPBE)
- Management of the Missile Defense Executive Board (MDEB) and the Program Acquisition and Budget Development Committee (PA&BD) in support of USD(AT&L) and Assistant Secretary of Defense for Acquisition (ASD(A))

Provides oversight of DoD Service and Agency acquisition and technology development programs, including program planning and budget activities that support the implementation of the New Triad and the National Policy on Ballistic Missile Defense (BMD).

Coordinates management oversight with the U.S. Intelligence, Research, Development, Test & Evaluation (RDT&E) and defense industrial base communities as required.

Leads or serves on special committees that address issues pertaining to strategic warfare programs and associated capabilities

9.3.1.3.1.5 Director, Treaty Compliance & Homeland Defense (TC/HD) Treaty Compliance

Leads oversight of acquisition programs and other activities to ensure implementation and compliance with arms control treaties and agreements in accordance with DoD Directive 2060.1

- Major Treaties and Agreements: Strategic Arms Reduction Treaty (START); Intermediate-Range Nuclear Forces (INF) Treaty; Treaty of Moscow; Conventional Armed Forces in Europe (CFE) Treaty; Open Skies Treaty; Vienna Document 99; United Nations Register of Conventional Arms
- Oversees Service/Agency planning, programming and budgeting to ensure cost-effective implementation of treaty obligations
- Represents the USD(AT&L) at relevant treaty negotiations/interagency fora affecting acquisition programs and provide advice on impacts or proposals on U.S. systems and facilities Chairs special committees that address issues pertaining to treaty-related activities and homeland defense activities
- Chairs the DoD Compliance Review Groups (CRGs)
- Chairs the DoD Implementation Working Groups (IWGs)

9.3.1.3.1.6 AT&L Homeland Defense Coordinator (HDC)

- Serves collaterally as USD(AT&L) lead to identify, track, and coordinate defense analytical efforts and technology which is relevant to defense support to civil authorities
- Serves as Executive Secretary for the DoD-Dept of Homeland Security (DHS) Capability Development Working Group
- Chairs the DoD-DHS Senior Steering Group
- Explores capability development topics of mutual interest and decides on implementation paths
- Ensures the best use of resources, avoids duplication of effort and promotes further cooperation, as appropriate
- Supports and informs policy, planning and decision-making

- Chairs the DoD Homeland Defense Integrated Process Team
- Facilitates Communication and Integration with Homeland Defense (HD) Policy and the warfighter
- Improves information flow with all AT&L offices and Defense Agencies with HD equities

9.3.1.3.1.7 Director, Unmanned Warfare (UW)

Leads acquisition oversight for DoD Unmanned Aircraft Systems (UAS) and associated subsystems, including control stations, sensors and communications links within the Office of the Under Secretary of Defense for AT&L (OUSD(AT&L)). Major acquisition programs include:

- RQ-4B Global Hawk
- RQ-4B Broad-Area Maritime Surveillance (BAMS) UAS
- NATO Alliance Ground Surveillance (AGS)
- MQ-9A Reaper
- MQ-1B Predator
- MQ-1C Extended-Range Multi-Purpose (ERMP) UAS
- MQ-8B Fire Scout Vertical Takeoff UAV (VTUAV)
- RQ-7B Shadow
- One System Remote Video Terminal (OSRVT) and Remote Operated Video Enhanced Receivers (ROVERs)
- Navy-Unmanned Combat Air System (NUCAS) Demonstration
- Multi-Platform Radar Technology Insertion Program (MP-RTIP)
- Airborne Signals Intelligence Payload (ASIP)

Functional lead for the OSD UAV Task Force.

Leads or serves on special committees that address issues pertaining to unmanned programs and associated capabilities.

Develops and maintains the OSD Unmanned Systems Roadmap

Initiatives.

- 2010 UAS Annual Report
- Final Report to Congress on Access to National Airspace for Unmanned Aircraft Systems
- Unmanned Systems Integrated Roadmap Fy2009-2034
- Unmanned Systems Interoperability Profile
- Implementation Convention for unmanned System Interoperability Profile
- Unmanned Aircraft System Airspace Integration Plan

9.3.1.3.2 Defense Acquisition University (DAU)

The centerpiece of the DAU experience is the AT&L Performance Learning Model (PLM). This learning and development architecture provides each member of the Defense Acquisition Workforce with more control over his or her career-long learning opportunities. The PLM extends the learning experience from traditional classroom instruction to a variety of learning solutions that are available anytime, anywhere.

The DoD has long seen the potential benefits from international acquisition programs for both economic and interoperability reasons. To ensure these benefits are realized, there are clear mandates in DoD directives; see chapter 2.

Program Management Career Field positions providing support to international acquisition programs and technology projects, where more than 50% of the work is international related should be coded in personal data systems; the 5000 series characterizes the following criteria as constituting an international project/program, that is, one:

- Designated an international program/project or with high-potential future foreign sales program (Foreign Military Sales or Direct Commercial Sales) by the USD(AT&L) or Component Acquisition Executive, or as further delegated
- Associated with a Technology Development Strategy or Acquisition Strategy with an international system or cooperative opportunity identified
- Associated with an international agreement, upon submission or approval of a Summary Statement of Intent or with international agreement entered into force

- Associated with an approved Letter of Offer and Acceptance for purposes of International sale, lease, or logistics support of U.S. major defense equipment

USD(AT&L) June 22, 2007, Memorandum created the International Acquisition Career Path (IACP); see Chapter 15.

9.3.1.3.3 Defense Contract Management Agency (DCMA)

The Defense Contract Management Agency (DCMA) is the Department of Defense (DoD) component that works directly with domestic and international defense suppliers to help ensure that DoD, Federal, and allied government supplies and services are delivered on time, at projected cost, and meet all performance requirements. DCMA directly contributes to the military readiness of the United States and its allies, and helps preserve the nation's freedom.

9.3.1.4 Assistant Secretary of Defense for Logistics and Materiel Readiness (L&MR).

The ASD(L&MR) serves as the principal staff assistant and advisor to the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)), Deputy Secretary of Defense (DEPSECDEF), and Secretary of Defense (SECDEF) on logistics and materiel readiness in the Department of Defense (DoD) and is the principal logistics official within the senior management of the DoD. In this capacity the ASD (L&MR):

- Prescribes policies and procedures for the conduct of logistics, maintenance, materiel readiness, strategic mobility, and sustainment support in the DoD, to include, supply, maintenance, and transportation (Security Force Assistance (SCRTF, GOSC⁴⁵), international, JCASO⁴⁶ and Combatant Commands). Coordinates and exchanges of information with officials of the DoD Components and other Federal (interagency/"whole of government") Agencies (DHS, DoS, USAID⁴⁷), whenever practicable, to achieve maximum efficiency.
- Establish arrangements for DoD participation in non-Defense governmental programs for which the ASD(L&MR) is assigned primary staff cognizance.
- Oversees the **Defense Logistics Agency (DLA)**:

⁴⁵ Security Cooperation Reform Task Force, General Officers Steering Committee.

⁴⁶ Joint Contingency Acquisition Support Office

⁴⁷ Department of Homeland Security, Department of State, U.S. Agency for International Development

For nearly four decades, the Defense Logistics Standard Systems (DLSS) have enabled DoD logistics managers and consumers to communicate electronically. The functional procedures and supporting transactions have been the backbone of DoD's logistics system, with approximately three billion transactions transmitted annually. Used by over 70,000 customer activities, these standards have been implemented by the Military Services, Federal and DoD agencies, defense contractors, and allied governments.

The Defense Logistics Management System (DLMS) is the essential tool that will accomplish the transformation and migration from the current legacy systems to a Logistics Common Operating Environment (COE). The ultimate goal of the COE is to provide integrated support for the warfighter in the 21st century. As a baseline, the DLMS incorporates the full functionality of the DLSS and the enhanced capabilities and technical improvements resulting from on-going modernization efforts. The DLMS serves as the major integrator of the logistics processes into a seamless structure spanning all logistics functions.

9.3.1.5 Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs

The ASD(NCB) has oversight and serves as the primary Office of the Secretary of Defense point of contact for nuclear, chemical and biological defense programs. Accordingly, all proposed international agreements relating to nuclear, chemical or biological defense activities are coordinated with the ASD(NCB) prior to negotiation or signature. The ASD(NCB) oversees international programs on the uses of Atomic Energy for defense purposes and on nuclear, chemical and biological Counter-proliferation, Passive and Active Defense, and Consequence Management. This includes providing leadership to a number of different international activities, such as: The Australia, Canada, United Kingdom, and United States Memorandum of Understanding Concerning the Research, Development, and Acquisition of Chemical, Biological, and Radiological Defense Materials; the NATO Joint Chemical, Biological and Radiological Capability Group; and programs of cooperation on nuclear weapons safety and security with NATO and Russia.

The **Chemical Biological Defense Program (CBD)**, to include the Joint Program Executive Office for Chemical & Biological Defense (JPEO-CBD) (also see section 9.3.1.8) is a

special interest program under OSD oversight managed via 1) an S&T WIPT chaired by the Defense Threat Reduction Agency (DTRA) Joint Science and Technology Executive, and 2) an Advanced Development WIPT chaired by the JPEO-CBD. The Advanced Development WIPT reports to the OSD CDBP OIPT, chaired by the ODASD(CBD) which reports through the ASD(NBC) to the Defense Acquisition Executive (DAE).

However, in accordance with references at footnote 48, the DAE has delegated JPEO-CBD program management, that is, materiel developer Technology Development Strategy (Milestone A) and Acquisition Strategy (Milestone B) Milestone Decision Authority (MDA) to the Army Acquisition Executive except in selected special cases when the DAE recalls that MDA authority.⁴⁸

ASD(NCB), also, oversees the **Defense Threat Reduction Agency (DTRA)**. DTRA is the Department's official Combat Support Agency for countering weapons of mass destruction. DTRA addresses the entire spectrum of chemical, biological, radiological, nuclear and high yield explosive threats. DTRA's programs include basic science research and development, and support to U.S., allies and coalition partners warfighters. This includes in-house weapons of mass destruction (WMD) think tank that aims to anticipate and mitigate future threats long before they have a chance to harm the United States and our allies.

DTRA works with the military services, other elements of the USG, and partners across the planet on counter proliferation, nonproliferation and WMD reduction. Key international programs include:

Nunn-Lugar Global Cooperative Initiative. Regional and bilateral engagement strategies include:

- Improvements to partner country capabilities in bio-safety and bio-security, and to detect, diagnose and report WMD-significant disease outbreaks;
- Support for U.S. government efforts to secure vulnerable fissile material worldwide;
- Cooperation in surveillance, detection and interdiction technology projects to stop global WMD trafficking;

⁴⁸ See DoDD 5160.05E, October 9, 2008, and Implementation Plans for the Management of the Chemical/Biological Defense Program 22 April 2003 and July 10, 2006

- Collaborate in fundamental research with partner country scientists and institutions.

Arms Control and Verification. Since the War of 1812, the United States has played a leading role in international agreements that restrict the development, production, stockpiling, distribution and usage of weapons, especially WMD. Through partnerships and diplomacy, our nation continues to form international treaties and agreements to enforce these arms control regulations.

Chemical Biological Defense. Not only do chemical and biological threats imperil our nations, and our allies and coalition partners' warfighters; they are a danger to innocent civilians globally. DTRA is actively engaged in efforts to defend against chemical and biological weapons.

9.3.1.6 Assistant Secretary of Defense for Research and Engineering (ASD (R&E))

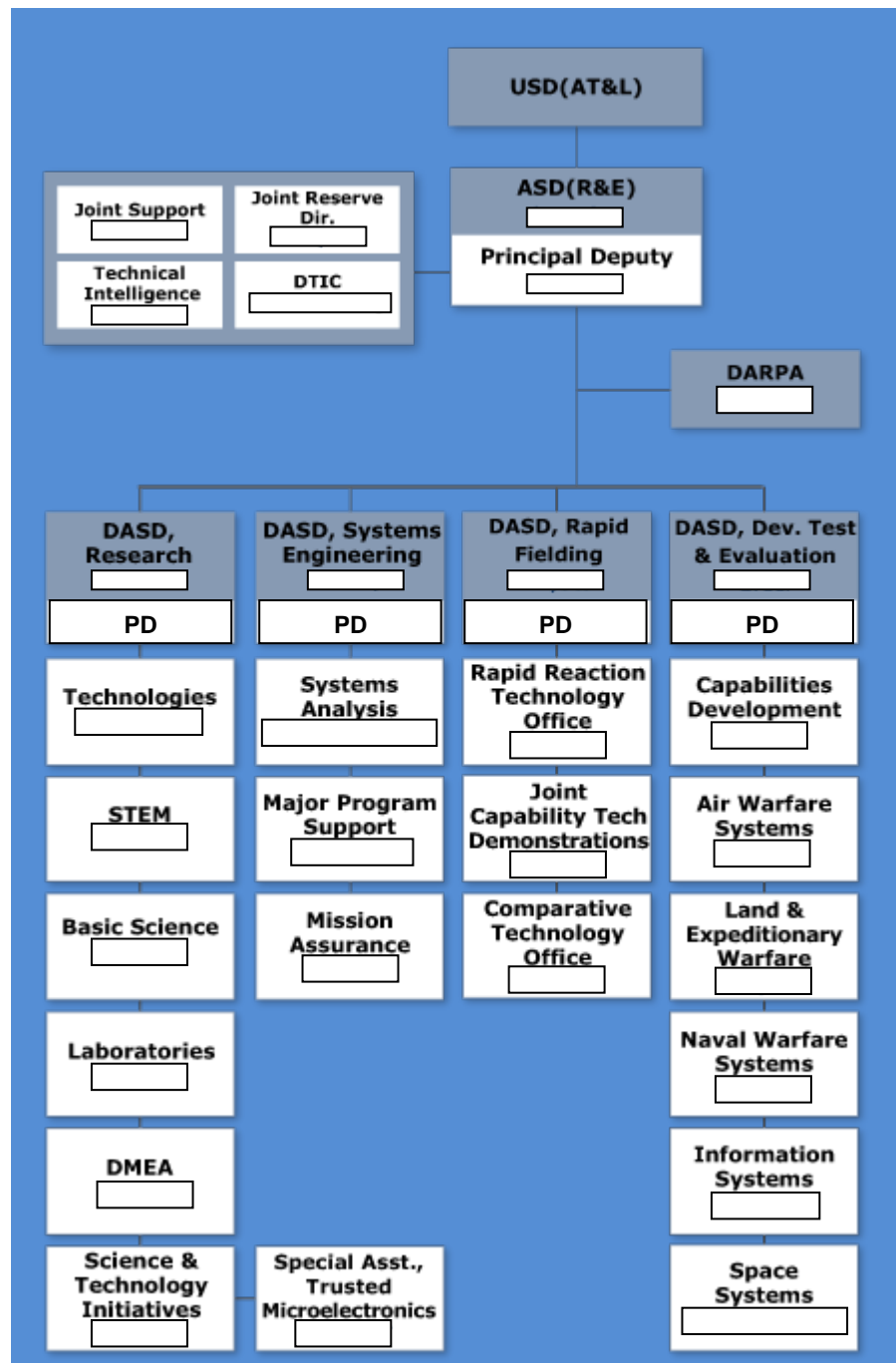


Figure 9-2 ASD(R&E) Organization

On January 7, 2011, President Obama signed the National Defense Authorization Act that set forth a number of re-designated positions within the Department of Defense. This included changing the Director, Defense Research and Engineering to the Assistant Secretary of Defense

for Research and Engineering. This post (or effectively the same post) has at various times had the titles Under Secretary of Defense, Research and Engineering (USDR&E), or Director of Defense Research and Engineering (DDR&E). The latter title has itself historically varied between the rank of Under Secretary and that of Assistant Secretary.

The ASD (R&E) is the principal staff advisor to the USD(AT&L) and the Secretary and Deputy Secretary of Defense for research and engineering matters. The ASD(R&E) provides the Department strategic guidance and coordination of the S&T investment across the Department of Defense. S/he also serves as the [Chief Technology Officer](#) (CTO) for the Department of Defense charged with the development and oversight of DoD technology strategy in concert with the Department's current and future requirements. The goal of ASD(R&E) is to extend the capabilities of current war fighting systems, develop breakthrough capabilities, hedge against an uncertain future through a set of scientific and engineering options and counter strategic surprise. Research and Engineering (R&E), also, includes Science and Technology programs, consisting of Basic Research, Applied Research, Advanced Technology Development and Advanced Component Development and Prototypes, which are identified as Budget Activities 1, 2, 3, and 4, respectively.

In cooperation with the Assistant Secretary of Defense (Acquisition) (ASD(A)); section 9.3.1.3, ASD(R&E) also provides advice and assistance in developing policies for rapid technology transition.

The ASD (R&E)'s international responsibilities are prescribed by DoD Directive 5134.3,⁴⁹ which includes 1) ensuring interchange with allied and friendly nations, in coordination with the Under Secretary of Defense for Policy, the USD(AT&L), and the Military Departments, and 2) providing support to the Defense Technology Security Administration on technological issues pertaining to international acquisition and export activities.

⁴⁹ Note: DoDD 5134.3 has yet to be revised to reflect change from DDR&E to ASD(R&E).

In addition, the ASD (R&E) oversees and provides the U.S. participation in The Technical Cooperation Program (TTCP) and NATO Science and Technology Organization (STO).⁵⁰

Offices reporting to the ASD (R&E) having some international involvement include the following:

9.3.1.6.1 Principal Deputy Assistant (R&E)

The PDA(R&E) is responsible for formulating, planning, and reviewing the DoD research, development, test and Evaluation (RDT&E) programs, plans, strategy, priorities, and execution of the DoD RDT&E budget. Specifically this position reviews the maturity of technology as part of the acquisition cycle, as well as develops options to reduce the overall technology development risk to DoD programs.

The PDA(R&E) supports the ASD(R&E) and is responsible for:

- Joint S&T Support,
- Joint Reserve Unit,
- Technical Intelligence,
- Defense Technical Information Center, and
- Defense Advanced Research Projects Agency/Administration.

9.3.1.6.2 Deputy Assistant Secretary of Defense for Research (and Science and Technology) (DASD Research)

The DASD (Research) is responsible for:

- Developing the strategies and supporting plans that exploit science, technology and prototypes to respond to the needs of the DoD.
- Ensuring U.S. technological superiority, prepare for an uncertain future, and accelerate delivery of technical capabilities to the warfighter.
- Conducting analyses and studies; develop policies; provide technical leadership, oversight and advice; make recommendations; and issue guidance.
- Overseeing matters associated with DoD laboratories; the science and engineering workforce; and efforts to stimulate science, engineering and mathematics education.

⁵⁰ As of July 2012 the RTO becomes the STO in accordance with NATO agencies reform effort.

- Ensuring interchange, that is, reciprocal giving and receiving, with allied and friendly nations.
- Providing support to the Defense Technology Security Administration on technological issues pertaining to international acquisition and export activities.
- Providing advice and assistance in developing policies for rapid technology transition.
- Providing technical support to the USD(AT&L) on programs subject to review by the Defense Acquisition Board to reduce the cost, acquisition time, and risk of major acquisition programs. Conduct technology readiness assessments to inform acquisition decisions.

9.3.1.6.3 Deputy Assistant Secretary of Defense Systems Engineering) (DASD(SE))

In the past, the acquisition community has largely focused on the execution of programs at Milestone B and beyond. The DASD (SE) is now increasingly focused on addressing early-acquisition phases including requirements definition, development planning, and early acquisition systems engineering support.

Even so, the DASD Systems Engineering is responsible for implementing robust systems engineering processes, from requirements identification and analysis through technology and architecture selection and assessment, analysis and coordination of complex system design, development, and execution to delivering rigorously tested production systems with a full complement of sustainable hardware and software capabilities.

The following paragraphs provide an overview of the ODASD(SE) and its teams along with their respective focus areas.

Systems Analysis: Provide a strategic roadmap for systems engineering and define how to bring systems engineering to bear in the early capability and development planning stages. Evaluate and recommend tools to support systems of systems and net-centric set of services. Direct research to provide improved systems engineering methods, processes, and tools. Advance the use of modeling and simulation within the Department. The Director, Systems Analysis has oversight over the [DoD Modeling and Simulation Coordination Office](#).

Major Program Support: Establish a proactive program oversight process ensuring appropriate levels of systems engineering are applied through all phases of program development by mentoring new programs to ensure that they start out right and continue to perform throughout the program lifecycle. Proactively evaluate program data to better predict and course-correct problem programs. Review and approve Systems Engineering Plans (SEPs) providing a closer link between policy, guidance, and program execution.

Mission Assurance:

- Provide consistent policy and guidance across the engineering domain including: systems engineering, software engineering, and specialty engineering.
- Lead for all formal technical career fields (SPRDE and PQM) including the competencies required to manage software development across the Department.
- Develop long-term strategies for acquisition work force development. Enhance systems engineering efforts by managing the specialty engineering team within ODASD(SE) and providing competency and expertise across the acquisition workforce.

Under Mission Assurance the Deputy Assistant Secretary of Defense for Systems Engineering is, also, designated as the [Department of Defense Standardization Executive](#). In this role, DASD(SE) has oversight of the [Defense Standardization Program](#), a comprehensive, integrated standardization program linking DoD acquisition, operational, sustainment, and related military and civil communities.

DASD (SE)'s priorities are:

- Support the current fight; manage risk with discipline
- Grow engineering capabilities to address emerging challenges
- Support realistic program formulation through the application of development planning and early systems engineering
- Increased focus on reliability, affordability, and total ownership cost
- Champion systems engineering as a tool to improve acquisition quality
- Develop future technical leaders across the acquisition enterprise

9.3.1.6.4 Deputy Assistant Secretary of Defense Rapid Fielding (DASD (RFD))

DASD (RFD) accelerates cutting-edge technologies to the Warfighter by:

- Speeding the discovery, development, and delivery of technology and concepts for sustained military capabilities with emphasis on capabilities that are innovative, transformational and joint;
- Partnering with Services, Agencies, and Coalition elements to provide the best capabilities to Joint and Coalition warfighters;
- Seeking the very best technical and operational concept solutions from Defense, industry and academic sources;
- Leveraging "try before you buy" demonstrations, exploiting "test to procure" initiatives, and forging domestic partnerships to create new technology and operational concept solutions for warfighters; and
- Combining improved business processes to operationalize innovation faster than ever.

The DASD(RFD) comprises these offices:

Rapid Reaction Technology Office (RRTO) – Partners with DoD offices, other government agencies, industry and academia to counter emerging and anticipated threats; and respond to validated joint urgent needs by accelerating the development and fielding of affordable, sustainable traditional and non-traditional capabilities for the Warfighter.

Joint Capability Technology Demonstrations (JCTDs)– The mission of RFD/JCTD is to find, demonstrate, transition, and transfer the best operational concepts and technology solutions for transformational, joint, and coalition warfare.

Comparative Technology Office (CTO) – Administers the Defense Acquisition Challenge (DAC) and Foreign Comparative Testing (FCT) programs; see chapter 6.

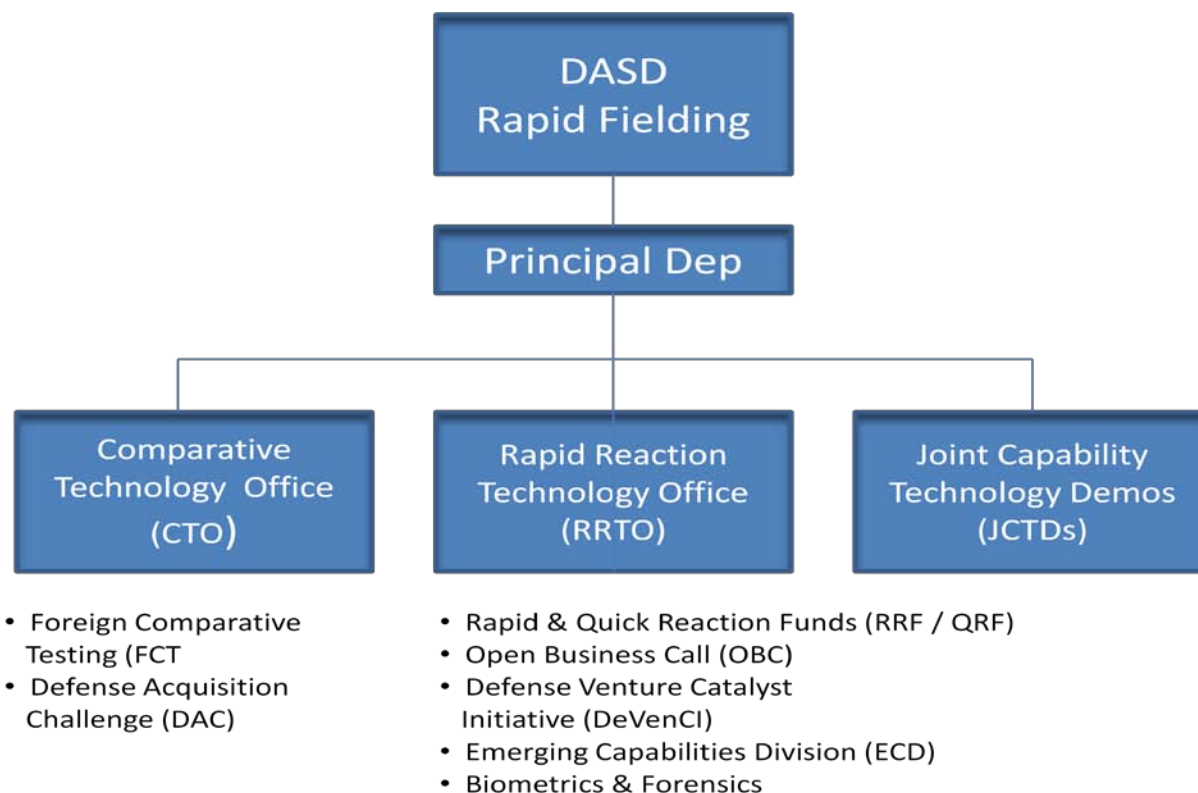


Figure 9-3 DASD, Rapid Fielding Organization

9.3.1.6.5 Deputy Assistant Secretary of Defense Developmental Test & Evaluation (DASD (DT&E))

The Office of the DASD(DT&E) was created in May 2009 as the focal point for all policy, practice, procedures, and workforce issues relating to developmental test and evaluation within the Department of Defense; see chapter 6.

9.3.1.6.6 Director, Defense Advanced Research Projects Agency (DARPA)

DARPA was established in 1958 to prevent strategic surprise from negatively impacting U.S. national security and create strategic surprise for U.S. adversaries by maintaining the technological superiority of the U.S. military.

To fulfill its mission, the Agency relies on diverse performers to apply multi-disciplinary approaches to both advance knowledge through basic research and create innovative technologies that address current practical problems through applied research. DARPA's scientific investigations span the gamut from laboratory efforts to the creation of full-scale technology demonstrations in the fields of biology, medicine, computer science, chemistry,

physics, engineering, mathematics, material sciences, social sciences, neurosciences and more. As the DoD's primary innovation engine, DARPA undertakes projects that are finite in duration but that create lasting revolutionary change.

9.3.1.6.7 Administrator, Defense Technical Information Center (DTIC)

DTIC is the premier repository for research and engineering information for the United States Department of Defense. DTIC's Suite of Services is available to DoD personnel, defense contractors, potential defense contractors, federal government personnel and contractors and some academic institutions. The general public can access unclassified, unlimited information, including many full-text downloadable documents, through the public Web site, [DTIC Online](#).

DTIC's collections contain over 4 million documents including technical reports, research in progress and Independent Research and Development (IR&D) summaries. DTIC also publishes searchable Congressional budget data shortly after its release from Congress. DTIC acquires approximately 25,000 new documents each year.

DTIC is a DoD Field Activity under the management of the Under Secretary of Defense for Acquisition, Technology, and Logistics, reporting to the Assistant Secretary of Defense for Research and Engineering (ASD(R&E)).

ASD(R&E) also chairs the DoD **Science and Technology Executive Committee** (EXCOM) that coordinate activities across the S&T enterprise. The S&T EXCOM is comprised

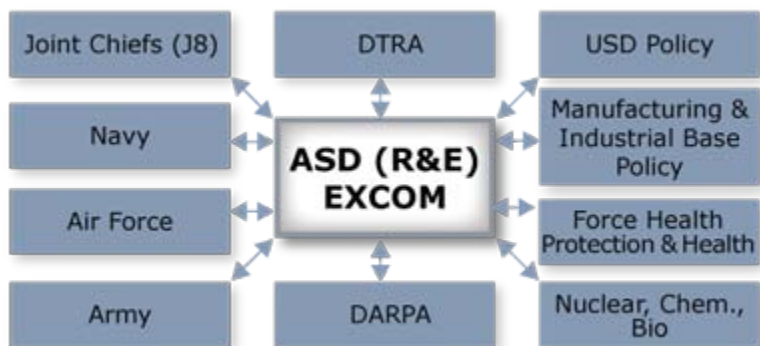


Figure 9-4 ASD(R&E) Executive Committee (EXCOM)

of leadership from the Department's largest S&T organizations plus Under Secretary of Defense for Policy (USD(P)), Assistant Secretary of Defense for Nuclear, Chemical, and Biological

Research, the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy (DASD(M&IBP)), and the Director, Joint Staff Force Structure, Resources, and Assessment Directorate (the J8).

9.3.1.7 Deputy Assistant Secretary of Defense (Manufacturing and Industrial Base Policy) (DASD(MIBP))

The mission of the Office of Manufacturing and Industrial Base Policy is to sustain an environment that ensures the manufacturing and industrial base on which the Department of Defense depends is reliable, cost-effective, and sufficient to meet DoD requirements.

Specifically, Manufacturing and Industrial Base Policy is responsible to ensure that DoD policies, procedures, and actions: (1) stimulate and support vigorous competition and innovation in the industrial base supporting defense; and (2) establish and sustain cost-effective industrial and technological capabilities that assure military readiness and superiority. As part of this activity, the office advises the USD(AT&L) on the industrial, financial, and economic impacts of DoD acquisition strategies and DoD/contractor management structures; and defense industry mergers, acquisitions and consolidation, including global investment in U.S. defense firms.

ODASD(MIBP) is responsible for the review of International Agreements for their effect on the defense industrial base. It is also the Department lead for managing the Defense Priorities and Allocations System (DPAS), and Security of Supply arrangements. These programs provide reciprocal industrial priorities support with partner countries. The DASD(MIBP) is the U.S. co-chair of the North American Technology and Industrial Base Organization (NATIBO), which facilitates technology and industrial base efforts between the U.S. and Canadian Defense Departments. The office also advises on other globalization and international technology security topics.

9.3.1.8 Joint Program Executive Office for Chemical and Biological Defense (JPEO-CBD)

In April 2003 the Department of Defense, recognizing the importance and magnitude of the chemical & biological defense endeavor, established the first ever joint program executive office, led by the Army, which is the DoD CBD executive agent, to encompass

and leverage a wide spectrum of U.S. and allied programs and capabilities, to address the CBD needs of U.S., allied and coalition partner warfighters thru IC in AT&L.

In accordance with statute, policy (DODD 5160.05E) and the JPEOs implementing arrangements, and the fact that the Army remains the DoD executive agent for the Chemical and Biological Defense Program, the JPEO-CBD reports primarily to the Army acquisition executive, but, depending on the CBD program or project, when required, the JPEO-CBD reports to defense acquisition executive. Also see this chapter 9.4.1 Army

9.3.2 Under Secretary of Defense Comptroller/Chief Financial Officer (USD(C))/CFO

The OUSD(C) reviews proposed agreements to ensure that they comply with the DoD Financial Management Regulation (FMR) and other DoD financial guidance.

9.3.3 Department of Defense, Chief Information Officer (DoD CIO)

The DoD CIO is the principal OSD staff assistant for the development, oversight, and integration of DoD policies and programs relating to the strategy of information superiority for the DoD. DoD CIO responsibilities include information policy and information management, command and control, communications, counterintelligence, security, information assurance, information operations, space systems and space policy, intelligence, surveillance and reconnaissance, and intelligence-related activities conducted by the Department.

9.3.4 Under Secretary of Defense (Policy) (USD(P))

The USD(P) is the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for all matters on the formulation of national security and defense policy and the integration and oversight of DoD policy and plans to achieve national security objectives, in accordance with DoD Directive 5111.01. In the matters of international armaments cooperation, USD(P) reviews international agreements for policy considerations in dealing with foreign countries. The USD(P), in coordination with the Office of General Counsel, authorizes the negotiation and conclusion of international agreements, and delegates authority to

the Heads of DoD Components to approve negotiation and conclusion of categories of international agreements.

The USD(P) also provides DoD policy oversight of all DoD activities related to international technology transfer. Develop, coordinate, and provide policy direction and overall management, including supervision of the Deputy Under Secretary of Defense for Technology Security Policy, for the DoD Technology Security Program and policy on international technology transfer, to include export controls, dual-use and munitions licensing, arms cooperation programs, and support for enforcement and intelligence systems. The USD(P) develops, coordinates, and oversees the implementation of DoD policy for international security countermeasures activities of the Department of Defense; administers for the DoD the National Disclosure Policy, the Foreign Disclosure and Technical Information System, the Foreign Visits Program, and the U.S. Visitor International Technology Program. Finally, the USD(P) serves as the U.S. Security Authority for the North Atlantic Treaty Organization (NATO), and the primary focal point for staff coordination on those matters both internal and external to the Department of Defense. Some of the key organizations under USD(P) that participate in international armaments cooperation include:

9.3.4.1 Office of the Under Secretary of Defense (Policy), Chief of Staff, Director, International Security Programs

The International Security Programs Directorate, Defense Technology Security Administration, provides oversight and guidance concerning the exchange of classified information with other countries and is responsible for:

1. Establishing national and DoD policies on foreign disclosure of classified military information and materiel.
2. Administering the interagency National Disclosure Policy Committee
3. Evaluating the capability of foreign governments and international organizations to provide protection to classified material.
4. Negotiating general security of information and industrial security agreements.
5. Monitoring security arrangements for security assistance programs.
6. Establishing policy on visits and personnel exchanges.
7. Acting as liaison with foreign government security officials.

8. Representing the U.S. on the NATO Security Committee (NSC)
9. Representing the U.S. on ad hoc and standing working groups formed under the NSC.
10. Reviewing International Agreements for security implications.

9.3.4.2 Assistant Secretary of Defense for Asian and Pacific Affairs (APSA)

The ASD(APSA) is the principal advisor to the USD(P) and the Secretary of Defense on international security strategy and policy on issues of DoD interest that relate to the nations and international organizations of the Asian and Pacific regions, their governments, and defense establishments and for oversight of security cooperation programs, including IC in AT&L and Foreign Military Sales in those regions.

9.3.4.3 Assistant Secretary of Defense for International Security Affairs (ASD(ISA))

The ASD(ISA) is the principal staff assistant and advisor to the USD (P) and the Secretary of Defense for formulating international security and political-military policy for Africa, Asia-Pacific, Near-East and South Asia, and the Western Hemisphere.

9.3.4.4 Defense Technology Security Administration (DTSA)

The Defense Technology Security Administration (DTSA) administers the development and implementation of DoD technology security policies on international transfers of defense-related goods, services and technologies. It ensures that critical U.S. military technological advantages are preserved; transfers that could prove detrimental to U.S. security interests are controlled and limited; proliferation of weapons of mass destruction and their means of delivery is prevented; diversion of defense-related goods to terrorists is prevented; military interoperability with foreign allies and friends is supported; and the health of the U.S. defense industrial base is assured. Review and coordinate 30,000 export licenses annually and other actions related to export of controlled hardware and technology and provide DoD position to the Departments of State or Commerce. Also see chapter 7, Technology Security and Foreign Disclosure.

The TS&FD Office is located in DTSA and is the focal point within the Department for TS&FD matters; see chapter 7.

9.3.4.5 Defense Security Cooperation Agency (DSCA)

The term security cooperation was first introduced in 1997 by the Defense Reform Initiative (DRI). The DRI proposed that certain Department of Defense (DOD) funded international programs along with their personnel and associated resources be managed by what was then the Defense Security Assistance Agency (DSAA) which already had the day-to-day management responsibility of many security assistance programs authorized by the *Foreign Assistance Act* (FAA) and the *Arms Export Control Act* (AECA). To better reflect its enlarged mission and diverse functions beyond security assistance to other agencies, the private sector, and foreign governments; DSAA was re-designated the Defense Security Cooperation Agency (DSCA), effective 1 October 1998.

Management responsibilities for many DOD international programs have been transferred to DSCA in recent years. Many security cooperation programs continue to be managed by other Office of the Secretary of Defense (OSD) agencies, the Geographic Combatant Commanders (GCCs), or the military departments (MILDEPs). What further complicates the management of security cooperation is that the in-country point of contact between the United States government (USG) and the host nation generally is either the Defense Intelligence Agency (DIA)-sponsored defense attaché office (DAO) or the DSCA-sponsored Security Cooperation Office (SCO).

Security Cooperation comprises:

9.3.4.5.1 Security Assistance. DSCA directs, administers, and supervises the execution (to include closure) of all Security Assistance programs for the Department of Defense, in accordance with DoD 5105.38-M. DSCA is the focal point for Government-to-Government arms transfers, budget, legislative, projections, forecasting, and other Security Assistance matters. DSCA conducts international logistics and sales negotiations with foreign countries, provides financial management, develops and implements Security Assistance policies, and assists U.S. industry in exporting military equipment and services. These programs comprise security assistance:

Foreign Military Sales

Foreign Military Construction Services

Foreign Military Financing Program

Leases

Military Assistance Program

International Military Education and Training

Drawdowns

Economic Support Fund

Peacekeeping Operations

International Narcotics Control and Law Enforcement

Nonproliferation, Antiterrorism, Demining, and Related Programs

Direct Commercial Sales

Other Security Assistance Programs:

Excess Defense Articles

Third-Country Transfers

9.3.4.5.2 International Armaments Cooperation⁵¹

9.3.4.5.3 Security Force Assistance (SFA)

SFA includes:

- Organizing, training, **equipping**, and advising foreign military forces;
- Supporting the development of the capability and capacity of host-country defense institutions and ministries; and
- Conducting SFA across all domains – air, land, maritime, and cyberspace – in both permissive and contested environments, under steady-state or surge conditions.⁵²

SFA occurs across the range of military operations and spectrum of conflict as well as during all phases of military operations. These efforts shall be conducted with, through, and by foreign security forces.⁵³

9.3.4.5.4 Other Security Cooperation.⁵⁴

These programs comprise other Security Cooperation (other than Security Assistance and IC in AT&L):

⁵¹ A.k.a. as International Cooperation in Acquisition, Technology and Logistics (IC in AT&L)

⁵² DoDI 5000.68, SFA, 27 Oct 2010

⁵³ DoDI 5000.68, SFA, 27 Oct 2010

⁵⁴ DISAM The Management of Security Cooperation (Green Book) 31st Edition (February 2012), Chapter 1 Introduction to Security Cooperation.

Foreign Assistance Act and Arms Export Control Act – Authorized Programs Administered by Department of Defense such as:

Combined Operations

Counter-Drug Support

Acquisition and Cross-Servicing Agreements

Global Peace Operations Initiative

Train and Equip Afghanistan and Iraq Security Forces

Support of Coalition Forces in Combined Operations

Combatant Commander Initiative Fund

Building Partner Capacity of Foreign Militaries

Special Operations Support to Combat Terrorism

Train and Equip Foreign Personnel to Assist in Accounting for Missing United States

Government Personnel

Non-Conventional Assisted Recovery Capabilities

Combined Exercises

Joint Staff-Sponsored Exercises

Joint Combined Exchange Training

Exercise Related Construction

Developing Country Combined Exercise Program

Defense Health Program

International Training and Education

Regional Centers for Security Studies

Regional Defense Combating Terrorism Fellowship Program

Senior War College

Military Academy Student Exchanges

Professional Military Education Student Exchanges

Flight Student Exchanges

Aviation Leadership Program

Unit Exchange Training

Latin America Training Waiver

Humanitarian Assistance and Mine Action Programs

Humanitarian and Civic Action During Military Operations

Humanitarian Assistance Transportation

Foreign Disaster Relief

Humanitarian Daily Rations

Excess Property Humanitarian Assistance

Humanitarian Demining Assistance

Commander's Emergency Response Program

Military-to-Military Contact Programs

Traditional Combatant Commander Activities

State Partnership Program

Multinational Military Centers of Excellence

Defense Personnel Exchange Program

Warsaw Pact Initiative

9.3.5 The General Counsel, Department of Defense (GC, DoD)

The GC, DoD is the chief legal officer of the DoD and provides advice to the Secretary and Deputy Secretary of Defense regarding all legal matters and services performed within, or involving, the DoD. The GC, OSD also provides legal advice to Office of the Secretary of Defense (OSD) organizations and, as appropriate, other DoD Components. Specific to international matters, the GC acts as lead counsel for the Department in all international negotiations conducted by the DoD Components and coordinates on all proposed international agreements prior to their tender to prospective parties by the DoD Components, prior to the initiation of negotiations, and prior to final conclusion of proposed international agreements; oversees legal reviews performed by the DoD Components with respect to the negotiation and conclusion of international agreements in accordance with DoD Directive 5530.3. The GC maintains the central repository for all international agreements coordinated, negotiated, or concluded by DoD personnel. Furthermore, the GC provides for guidance in, and coordination of, significant legal issues in international law.

9.4 OTHER DOD (CONUS) COMPONENTS SUPPORTING IC in AT&L

Each of the Military Departments has established an infrastructure to support armaments cooperation projects and programs. Figure 3-2 illustrates these organizations, and the following sections provide a brief description of their individual responsibilities.

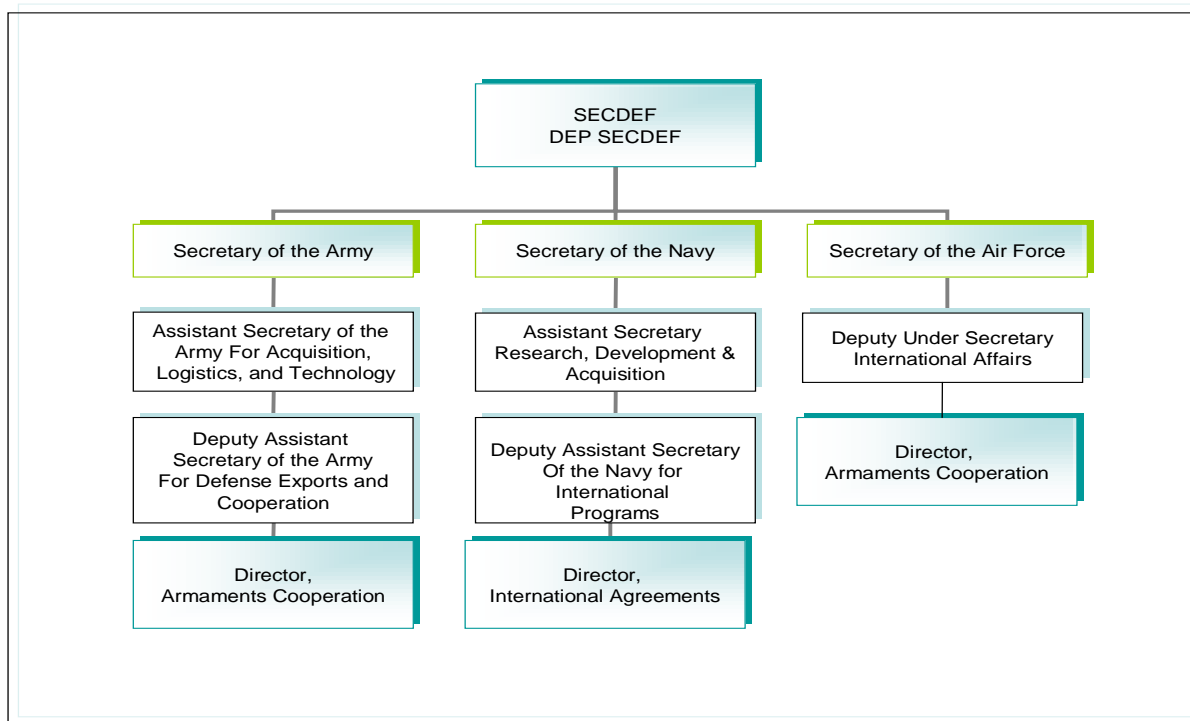


Figure 9-5 MILDEP International Program Organizations Responsible for Armaments Cooperation

9.4.1 Army

The Deputy Assistant Secretary of the Army for Defense Exports and Cooperation (DASA(DE&C)) is responsible for Army IC in AT&L programs. The office with day-to-day responsibility is the Director of Armaments Cooperation (SAAL-NC). SAAL-NC directly supports DASA(DE&C) in reviewing and coordinating international agreements.

Specific activities include review and coordination of International Agreements and Information Exchange Program annexes, country program management, maintenance of the Army's automated agreements tracking system, personnel assignments and exchanges, cooperative logistics, support for the NATO Army Armaments Group (NAAG) panels, and tracking, reporting and financial management for armaments cooperation programs. DASA(DE&C) conducts Senior National Representative (SNR) discussions for the Army and is also the Army's head of delegation to the NAAG. Army FCT programs are managed by the U.S. Army Research, Development and Engineering Command (RDECOM).

Joint Program Executive Office for Chemical & Biological Defense (JPEO-CBD).

In April 2003 the Department of Defense, recognizing the importance and magnitude of the chemical & biological defense endeavor and threat, established the first ever joint program executive office encompassing all DoD Components CBD programs. In this way one OSD-level organization was enabled to address the full scope of U.S., allied and coalition partners' warfighters CBD needs, while maximizing domestic and international CBD materiel developer technological and material/materiel cooperation to meet those needs.

The JPEO-CBD was formed from the Army's existing Program Executive Office for Chemical and Biological Defense.⁵⁵ The JPEO-CBD reports to the Army Acquisition Executive and Defense Acquisition Executive depending on the CBD program; see DoDD 5160.05E. As a result, the JPEO-CBD has been enabled to centralize, focus and thereby streamline chemical and biological materiel development across the Department.

The JPEO-CBD is responsible for research, development, acquisition, i.e. the Technology Development and Acquisition Strategies, as well as, the fielding, and life-cycle support of chemical and biological defense equipment and vaccines in support of the national military strategy. The threat of the use of weapons of mass destruction by terrorists or rogue nations highlights the importance of defense against chemical and biological warfare. As a result, the JPEO CBD, as the Department's CBD materiel developer under oversight by the OSD CBDP OIPT, is the responsible official for IC in AT&L agreements such as the materiel developer Australia, Canada, United Kingdom, and United States Memorandum of Understanding on Research, Development, and Acquisition of Chemical, Biological, and Radiological Defense Materials, as well as other materiel developer CBD international activities such as information exchange, personnel exchanges or assignments and RDT&E project arrangements; also see section 9.3.1.8 JPEO-CBD.

JPEO-CBD "Key Leadership Positions" in accordance with [DoDD 5000.52](#), *Defense Acquisition, Technology, and Logistics Workforce Education, Training, and Career*

⁵⁵ The Army remains the DoD (SECDEF/DEPSECDEF appointed) executive agent for the Chemical and Biological Defense Program, in accordance with existing law.

Development Program, January 12, 2005 for significant non-major programs include: PEOs, PMs, Deputy PMs and Senior Contracting Officials.

9.4.2 Navy

The Assistant Secretary of the Navy for Research, Development and Acquisition, ASN(RD&A), has responsibility for all international RD&A program functions, including international armaments cooperation efforts. ASN(RD&A) has delegated responsibility for management and implementation of all RD&A international functions, including foreign military sales and technology transfer, to the Deputy Assistant Secretary of the Navy for International Programs (DASN(IP)) who is also the Director of the Navy International Programs Office (Navy IPO). Within the Navy IPO, the Directorate of Technology Security and Cooperative Programs is responsible for all international armaments cooperation activities, including cooperative R&D, production and support agreements, the RDT&E Information Exchange Program, Engineers and Scientists Exchange Program, and Navy FCT projects. Within the Chief of Naval Operations, the Director for Warfare Integration (N8F) is the Navy's SNR and the Navy's NATO Naval Armaments Group (NNAG) Representative, with the support of Navy IPO. Navy FCT programs are managed by the Navy Research Laboratory (NRL).

9.4.3 Air Force

Within the Air Force, all non-operational international programs are the responsibility of the Deputy Under Secretary of the Air Force for International Affairs (SAF/IA). While its primary focus is oversight of FMS and other Security Assistance programs, SAF/IA also oversees international cooperative RD&A programs. The Air Force SNR is from SAF/IA as well as the Air Force Research Laboratory (AFRL), although the NATO Air Force Armaments Group (NAFAG) Representative is from the Assistant Secretary of the Air Force for Acquisition (SAF/AQ).

The Air Force Armaments Cooperation Division (SAF/IAPQ) directly supports SAF/IA and the USAF in performing its international armaments cooperation responsibilities, including cooperative R&D, test & evaluation, production and logistics, and acquisition agreements, management of Air Force FCT Projects and NATO ICR&D program, as well as support for Air SNR meetings and programs.

9.4.4 Defense Agencies

Defense Agencies have responsibility and authority similar to but not necessarily as extensive as the MILDEPs for the conduct of IC in AT&L efforts related to their mission (e.g., DARPA, MDA, DTRA, etc.). However, not all Agencies have dedicated international organizational elements to assist in conducting international armaments cooperation activities.

9.5 SUMMARY

This chapter demonstrates the breadth and depth of the number and contributions of the Departments' Components that play a role in IC in AT&L, and demonstrates the importance of their contribution to IC in AT&L and the Department's materiel enterprise. These DoD Components involved with IC in AT&L provide services that can be of incalculable benefit to the DoD acquisition workforce's ability to achieve its goals and objectives to build the material capacity of, most importantly, U.S. warfighter, but also of allies and coalition partners as well.

These Department Components play a proactive role identifying, promoting, and developing and executing IC in AT&L new opportunities, and seeing that those opportunities come to fruition for the greater good of the DoD materiel enterprise, and especially to the battlefield superiority and/or force protection of U.S. and partners warfighters.

9.6 REFERENCES

1. Foreign Assistance Act of 1961 (P.L. 87–195) Sec. 625
2. [DoD Directive 2060.1](#), *Implementation of, and Compliance with, Arms Control Agreements*, January 9, 2001.
3. [DoD 5105.38-M](#), *Security Assistance Management Manual*, **E-SAMM**.
4. [DoD Directive 5111.1](#), *Undersecretary of Defense for Policy, (USD(P))*, December 8, 1999.
5. [DoD Directive 5134.01](#), *Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L))*, December 9, 2005, *Incorporating Change 1, April 1, 2008*.
6. [DoD Directive 5134.3](#), *Director of Defense Research and Engineering (DDR&E)*, November 3, 2003. *Changed to ASD(R&E) in January 2011, but, as of this publication Directive had not been revised.*
7. [DoD Directive 5134.08](#), *Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs (ATSD(NCB))*, January 14, 2009, *Incorporating Change 1, May 12, 2011*.

8. [DoD Directive 5134.12](#), *Deputy Under Secretary of Defense for Logistics and Materiel Readiness (DUSD(L&MR))*, May 25, 2000, Certified Current as of November 21, 2003, *Incorporated Change 1, October 27, 2010*.
9. [DoD Directive 5145.1](#), *General Counsel of the Department of Defense*, May 2, 2001, *Incorporating Change 2, June 26, 2009*.
10. [DoD Directive 5160.05E](#), *Roles and Responsibilities Associated with the Chemical and Biological Defense (CBD) Program (CBDP)*, October 9, 2008

CHAPTER 10: DOD (OCONUS) COMPONENTS ORGANIZATIONS SUPPORTING IC IN AT&L

10.1 INTRODUCTION

The DoD OCONUS Components organizations supporting IC in AT&L are the foremost security cooperation points of contact between the DoD and the host nation's Ministry of Defense, other Government Agencies, small businesses, and academia, and are integral and essential components of any successful IC in AT&L program. They often assist cooperative program proponents in identification of cooperative opportunities, supporting preliminary program exploratory and technical discussions, and international agreement negotiations. They can also serve as DoD's in-country team to help with program implementation.

The term security cooperation was first introduced in 1997 by the Defense Reform Initiative (DRI). The DRI proposed that certain Department of Defense (DoD) funded international programs along with their personnel and associated resources be managed by what today is the Defense Security Cooperation Agency (DSCA) which has day-to-day management responsibility for most security cooperation programs authorized by the Foreign Assistance Act (FAA), the Arms Export Control Act (AECA) and the annual National Defense Authorization Acts.

Since its establishment as the Defense Security Cooperation Agency in 1998, many Security Cooperation programs have been transferred to DSCA. Yet many such programs continue to be managed by other DoD Components, particularly Office of the Under Secretary of Defense (Acquisition, Technology and Logistics) its field components, the geographic combatant commanders (GCCs), and the military departments (MILDEPs).

To support the above in-country, the Defense Intelligence Agency (DIA)-sponsored defense attaché office (DAO) or the DSCA-sponsored Security Cooperation Organization (SCO) have been identified generally as points of contact between the US government (USG) and the host nation even though other DoD Components may also have in country representatives. Resultingly, SCO Security Cooperation Officers (SCOs) require a broad knowledge and skill baseline regarding the very different international programs that are initiated, funded, and managed by the DOD Components. To prevent disconnects between the DAO and SCO

regarding in-country security cooperation support, a Senior Defense Official-Defense Attaché (SDO/DATT) position has been established to provide oversight over both the SCO and DAO.

10.2 LEGAL and POLICY BASIS

10.2.1. Legal Basis

Foreign Assistance Act of 1961 (P.L. 87–195) Sec. 625. The Foreign Assistance Act of 1961, Part II, Chapter 2 Administration, Section 625, Employment of Personnel, as amended, confers upon the President the authority to staff USG in order to carry out the State, Defense, U.S. Agency for International Development etc requirements of the FAA.

10.2.2 Policy Basis

The DoDD 5134, and 5111 series spell out OSD Components' responsibilities in support of IC in AT&L. Other DoD Components responsibilities re IC in AT&L are spelled out in each component's regulations.

10.3 DEFINITIONS

10.3.1 International Cooperation in AT&L/International Armaments Cooperation.

International armaments cooperation is “cooperative research, development, tests, and evaluation of defense technologies, systems, or equipment; joint production and follow-on support of defense articles or equipment; and procurement of foreign technology, equipment, systems or logistics support (*GEF*, p.134).”

10.3.2 Security Cooperation

All DOD interactions with foreign defense establishments to build defense relationships that promote specific US security interests, develop allied and friendly military capabilities for self-defense and multinational operations, and provide US forces with peacetime and contingency access to a host nation. Joint Pub 1-02.

DODD 5132.03, *DOD Policy and Responsibilities Relating to Security Cooperation*, 24 October 2008, further defines security cooperation with assigned responsibilities:

Activities undertaken by the Department of Defense to encourage and enable international partners to work with the United States to achieve strategic objectives. It includes all DOD

interactions with foreign defense and security establishments, including all DOD-administered security assistance programs, that: build defense and security relationships that promote specific US security interests, including all international armaments cooperation activities and security assistance activities; develop allied and friendly military capabilities for self-defense and multinational operations; and provide US forces with peacetime and contingency access to host nations.

The Security Cooperation Reform Task Force Report elaborates Security Cooperation as all DoD efforts to work with international partners and allies in order to maintain collective security.

Thus, Security Cooperation includes:

International armaments cooperation (IAC) is “cooperative research, development, tests, and evaluation of defense technologies, systems, or equipment; joint production and follow-on support of defense articles or equipment; and procurement of foreign technology, equipment, systems or logistics support (*Guidance for the Employment of the Force*, p.134).”

Security Assistance (SA) is a group of programs authorized by the Foreign Assistance Act of 1961, as amended, and the Arms Export Control Act of 1976, as amended, or other related statutes by which the United States provides defense articles, military training, and other defense-related services, by grant, loan, credit, or cash sales in furtherance of national policies and objectives. Security assistance is an element of security cooperation funded and authorized by Department of State to be administered by Department of Defense/Defense Security Cooperation Agency. Source: JP 3-22

Security Force Assistance (SFA):

- Capabilities include: 1) organizing, training, equipping, and advising foreign military forces; 2) supporting the development of the capability and capacity of host-country defense institutions and ministries; and 3) conducting SFA across all domains – air, land, maritime, and cyberspace – in both permissive and contested environments, under steady-state or surge conditions.
- Occur across the range of military operations and spectrum of conflict as well as during all phases of military operations. These efforts shall be conducted with, through, and by foreign security forces.

Other SC activities, such as bilateral meetings or civil affairs activities dedicated to the non-security sector provide valuable engagement opportunities between the U.S. and its partners, but fall outside the scope of SFA. *DoDI 5000.68, SFA, 27 Oct 2010*. Also see DISAM Green Book Appendix 2 History of Security Assistance and Security Cooperation.

10.4 SECURITY COOPERATION ORGANIZATIONS/OFFICERS SUPPORT FOR IC IN AT&L

The SCO is generally responsible for overseeing and implementing in-country Security Cooperation, which includes, among many things facilitating both FMS and IC in AT&L activities; see chapter 9 section 9.3.4.5 DSCA.

Nonetheless, a SCO actively involved in an IC in AT&L program can be very effective in facilitating communications, coordinating with host nation program officials and ascertaining their positions, as well as serving as the acquisition workforce's "eyes and ears" in the host nation. Quite simply, the SCO represents the host nation government to the United States and vice versa. The remainder of this section will delineate the SCO's responsibilities in IC in AT&L, and describe how acquisition workforce personnel can utilize and benefit from the SCO's unique position and expertise. The term SCO is used throughout this handbook when referring to the in-country organizations and officers performing IC in AT&L activities. However, SCO is not yet a uniform term across the full spectrum of allies, friends and partners with which the Department of Defense carries out Security Cooperation activities. For example, the term Office of Defense Cooperation (ODC) is uniformly used with our European partners, and a number of other nations, such as Australia, South Africa and Singapore. A number of countries with an office performing security cooperation (to include IC in AT&L) activities use a designation that is unique to the country; see Figure 5-1.

Acronym	Local Title
JUSMAG	Joint U.S. Military Assistance Group (Philippines)
JUSMAG	Joint U.S. Military Advisory Group (Thailand)
JUSMAG-K	Joint U.S. Military Affairs Group - Korea
KUSLO	Kenya U.S. Liaison Office
MAP	Military Assistance Program (Jordan)
MDAO	Mutual Defense Assistance Office (Japan)
NLO	Navy Liaison Office (Bahamas)
ODC	Office of Defense Cooperation (approximately 50 European, East Asian countries, and others)
ODC	Office of Defense Coordination (Mexico)
ODR	Office of Defense Representative (Costa Rica)
ODRP	Office of Defense Representative - Pakistan
OMC	Office of Military Cooperation (Bahrain, Egypt, Kazakhstan, Kyrgyzstan, Oman, Qatar, Turkmenistan, Uzbekistan, Yemen)
OMC-K	Office of Military Cooperation - Kuwait
OSC	Office of Security Cooperation (all African countries except Kenya)
USLO	U.S. Liaison Office
USMAAG	U.S. Military Assistance Advisory Group (Dominican Republic, Peru)
USMILGP	U.S. Military Group (several South and Central American countries)
USMLO	U.S. Military Liaison Office (several South and Central American countries)
USMTM	U.S. Military Training Mission (Saudi Arabia)
Currently, USG security cooperation activities in Afghanistan and Iraq are conducted primarily by the organizations below:	
SAO	Security Assistance Office - Afghanistan; this office is a staff element under the NATO Training Mission. Afghanistan/Combined Security Transition Command - Afghanistan (NTM-A/CSTC-A).
ISAM	Iraq Security Assistance Mission (a staff element of the United States Forces – Iraq)
Both organizations are under the control of United States Central Command. The organizations in Afghanistan and Iraq can loosely be termed “pseudo-SCOs” for a variety of reasons. First, their mission, including operational advice and training, exceeds that of a normal SCO under U.S. law. Secondly, these organizations are part of operational commands, rather than U.S. embassy country teams. As such, they do not report to the U.S. Ambassador, but only to the GCC through channels.	
Within Saudi Arabia, in addition to USMTM, there are two DoD organizations which have an “advise, train and equip” mission. Because they do not work with the Ministry of Defense and Aviation, and because their charters allow them to conduct training, they are not formally considered SCOs. They are:	
OPM-SANG	Office of the Program Manager, Saudi Arabian National Guard
(This organization is chartered by the U.S. Army, reports to U.S. Army channels through USASAC, and is funded by an FMS case. OPM SANG's mission is to train and equip the Saudi Arabian National Guard).	
OPM-FSF	Office of Program Management, Facilities Security Force
(OPM-FSF, also funded by an FMS case, conducts a train and equip mission for the Facilities Security Force of the Saudi Arabian Ministry of the Interior).	

Table 10-1 United States Security Cooperation Organizations⁵⁶

⁵⁶ This figure is taken from the DISAM on-line Green Book, 30th Edition, January 2011, Chapter 4 Security Cooperation Organizations Overseas.

Even where there are no full-time security cooperation (or IC in AT&L) personnel, the SCO remains responsible in-country for international cooperation in acquisition, technology and logistics. In nations where there is no SCO, the OSD point of contact is usually the Defense Attaché.

10.4.1 SCO Roles and Responsibilities

The role of the SCO has evolved considerably over the years. Originally, the SCO's focus was on security assistance as the U.S. sought to strengthen allied nations military capabilities during the Cold War era. Gradually, the relationship grew to include IC in AT&L requirements definition, RDT&E, system development, production and support. SCOs now have specific and clearly defined responsibilities in support of international cooperation in acquisition, technology and logistics. These responsibilities are promulgated in the "Defense Cooperation in Armaments Charter," which can be found in the *Security Assistance Management Manual*, "SCO Functions – Armaments Cooperation," Table C2.T3.

The SCOs support IC in AT&L in three distinct but overlapping aspects. The first is direct support to the USD(AT&L); the second is to be a conduit for information between host nation defense organizations and corresponding U. S. organizations for the specific purpose of fostering IC in AT&L programs; the third is providing support and assistance that stimulates individual IC in AT&L programs with the host nation.

International Cooperation in AT&L is a key component of the Department of Defense bridge to the 21st Century. In the evolving environment of coalition warfare, limited resources, and a global industrial and technology base, it is DoD policy that we utilize "IC in AT&L" to the maximum extent feasible, consistent with sound business practice and with the overall political, economic, technological and national security goals of the United States.

10.4.1.1 Support to the USD (AT&L)

The preeminent SCO responsibility in systems acquisition is to represent the USD(AT&L) to counterparts in the host nation, and to be the primary source of information regarding host nation IC in AT&L requirements and related activities for the USD(AT&L) and the OUSD(AT&L) organization. This requires the SCO to be cognizant of the U. S. and the host

nation's defense and acquisition policies, requirements, and issues. It requires a close liaison with the host country's Ministry of Defense and its S&T/RDT&E/AT&L organizations. From the U.S. perspective, these efforts should also be reflected in the Unified Command's "Theater Security Cooperation Plan" and the Embassy's "Mission Performance Plan."

A list of the "working knowledge" topics the SCO needs to develop and maintain, according to the "Defense Cooperation in Armaments Charter", includes:

- Operational requirements affecting or leading to cooperative programs;
- Defense systems acquisition policy, procedures, and organizational relationships;
- Defense related research and development facilities that could contribute to or support cooperative research projects;
- Defense scientific, technical, and industrial capabilities that could contribute to or support cooperative weapons systems development or production;
- Defense logistics capabilities that could contribute to support of allied forces and equipment;
- Host nation industrial security organizations, their responsibilities, and their requirements.

10.4.1.2 Fostering IC in AT&L Opportunities

The SCO's most visible role is that of a "clearing house" for defense information assisting the host government's defense acquisition establishment in obtaining information on U.S. equipment and programs, and similarly assisting DoD weapons acquisition agencies in obtaining information on host nation equipment and programs. This function also extends to assisting industry, both U.S. and host nation, in gaining access to the other nation's defense market and in developing cooperative programs.

The most important contribution to the IC in AT&L process is assisting the DoD acquisition workforce in identifying and making recommendations for cooperative opportunities with the host nation. This requires an active role, in which the SCO staff will frequently have to take the initiative to identify opportunities and then apply their judgment in recommending potential projects.

Areas where SCO recommendations are pertinent include: potentially new topics under the Defense RDT&E Information Exchange Program, research or technology development project opportunities under RDT&E Program master agreements, sites or locations for Engineers and Scientists Exchange Program personnel, advice on in-country technical capabilities and military developments including defense equipment for evaluation under the Foreign Comparative Testing Program.

However, identifying opportunities is only half of the equation. Security Cooperation Organizations through their Security Cooperation Officers coordinate programs, actions, and initiatives, both host country and U.S. originated, involving bilateral and multilateral international cooperation in emerging science and technology development, RDT&E, cooperative production; co-production, dual production, and licensed production; reciprocal procurement; transfer and release of technology and classified information; families of weapons; and joint logistics through to demilitarization. The other half is providing recommendations on the most productive approach to follow in initiating and implementing cooperative activities with the host country. Depending on the activity, these recommendations could range from identifying points of contact, to suggestions for timing or line of reasoning in presenting the U.S. position. These recommendations carry particular weight because of the in-country perspective and insight of the SCO.

The SCOs also have a role in assisting the acquisition workforce in formulation of technology development and acquisition strategies for systems acquisition programs, even those that initially may not be thought of as IC in AT&L programs. The DoDD 5000.01 specifies that the DoD Component(s) shall consider multiple concepts and analyze alternative ways to satisfy the user need. These include commercially available products, services, and technologies from domestic or international sources. Again as with cooperative R&D programs, the SCO's in-country perspective makes it a logical source for information in generating any international parts of the technology development and acquisition strategies.

10.4.1.3 Supporting IC in AT&L Programs

Once a cooperative opportunity becomes a prospective IC in AT&L program, the SCO role continues through the in-country support and assistance rendered to the program. While the

type and level of support will obviously vary by program, the common and most critical element is maintaining the “two-way street” of information flow and minimizing misunderstandings. In terms of communication, the SCO is literally on the front line. When things go wrong, they are usually the ones to receive the first complaint because they are accessible to all levels of the host nation Ministry/Department of Defense. However, because of that accessibility, they are also in the best position to learn of new program developments.

SCO involvement in cooperative programs can sometimes be a delicate balance, for both the SCO and the program manager. Too much unsolicited help may become “meddling;” too little may lead to the perception of being “non-responsive.” Also, the SCO primary mission is to provide security for both the U.S. and the host country. The AT&L, DoD component, Combatant Commander and the U.S. Ambassador through their reliance on the SCO (or lack thereof), sets the tone for the SCO’s role and relationship, but effective acquisition workforce personnel include the SCO as part of their program management or integrated process team.

10.5 OTHER DOD COMPONENTS (OCONUS) OFFICES SUPPORTING IC IN AT&L

10.5.1 Army Overseas Organizations

U.S. Research, Development and Engineering Command’s (RDECOM’s) Forward Element Command’s (RDECs), U.S. Army International Technology Centers (ITCs) are maintained in Argentina, Australia, Canada, Chile, France, Germany, Japan, Singapore and the United Kingdom. These Centers forge and expand links with both the government (defense and non-defense) and non-government sectors in support of Army and RDECOM: 1) emerging technologies identification, 2) COCOMs’ Army Service Component Commands Field Assistance in Science and Technology, and 3) standardization and interoperability. The goal of these activities is to promote force multiplying interoperability and standardization with allies and coalition partners. To achieve this goal, the ITCs seek to identify and facilitate international cooperation that supports technology, acquisition and logistics activities. In addition, representatives in Australia, Britain and Canada, have an expanded mission as ABCA Standardization Representatives (STANREPs) who are stationed in other ABCA nations, under the authority of ABCA Basic Standardization of 1964 (BSA 64), with the primary purpose of

furnishing information to the U.S. Army in accordance with goals and objectives of the BSA 64 to:

- Ensure the fullest cooperation and collaboration among the ABCA Armies.
- Achieve the highest possible degree of interoperability among the signatory Armies through materiel and non-materiel standardization.
- Obtain the greatest possible economy by the use of combined resources and effort.

The Army Research Office under the U.S. Army's Army Research Laboratory maintains two overseas components:

- The European Research Office (ERO) operationally attached to ITC-Atlantic in London, and
- The Asian Research Office (ARO) operationally attached to ITC-Asia in Tokyo.

These research offices enhance, complement, and provide risk mitigation for Army and DoD science and technology (S&T) programs. To do this, these offices leverage foreign expertise and technology, and build and nurture S&T partnerships. They also identify and leverage opportunities for specific collaborations between U.S. Department of Defense and foreign researchers in Europe, Africa, Asia, Middle East, and Southwest Asia (including India). They have the capability to provide limited funding for collaborative opportunities, to include support for expert travel, conferences and workshops, and S&T projects.

10.5.2 Navy Overseas Offices

The Office of Naval Research (ONR) has established ONR-Global which maintains R&D liaison offices in London, UK (covering Europe), Tokyo, Singapore, Canberra, Australia, Washington, DC and Santiago, Chile (covering South America). This office surveys worldwide findings, trends and achievements in science and technology and establishes and maintains liaison between the Navy and foreign research organizations (universities and laboratories) that research technology of Naval interest. This liaison includes technology evaluation and assessment, award of grant funding, and interface with some bilateral cooperative R&D programs, and scientific and technical exchange programs.

10.5.3 Air Force Overseas Offices

The European Office of Aerospace Research and Development (EOARD) is based in London and is an extension of the Air Force Office of Scientific Research (AFOSR). It is the USAF's monitor of Europe and Africa with respect to basic and applied aerospace-related technology. The technical staff maintains close contact with USAF laboratories to provide continuing assessments of technology and to recommend technical areas for potential cooperative research. EOARD can sponsor research by European institutions through grants or contracts.

The Asian Office of Aerospace Research and Development (AOARD), located in Tokyo, was established in 1992 by the AFOSR. Its function is similar to that of EOARD, except it concentrates on Pacific Rim nations. Note: The Office of Naval Research Asian Office and the Army Research Office -- Far East are co-located with the AOARD in Tokyo.

The Southern Office of Aerospace Research and Development (SOARD) is the branch of AFOSR International Office (AFOSR/IO) responsible for managing the AFOSR's basic research activity in Central and South America. Its mission is to serve as the U.S. Air Force liaison with the scientific and engineering communities of the region by supporting research goals of the AFRL through a variety of international programs. SOARD is located in Arlington, VA.

AFOSR/IO in Arlington, VA, recognizes all organizations involved as customers in the strategic planning, development, and execution of AFRL international activities. These organizations include all ten AFRL Technology Directorates and Corporate Board, the AFRL Research Council, SAF/IA, SAF/AQ, ASD(R&E), and others.

An International Affairs Liaison office is maintained by SAF/IA in Canberra, Australia to support USAF international programs with Australia and the Pacific Rim countries. Serves as liaison between USAF R&D personnel and their foreign counterparts.

10.6 SUMMARY

The SCO's and MILDEP equivalents are the primary points of contact between the Department and host nations Ministries or Departments of Defense. They provide services that

can be of incalculable benefit to the DoD acquisition workforce. The SCOs and MILDEP equivalents have a proactive role identifying new opportunities and are key to facilitating communications re negotiating new programs and implementing existing ones. Just as the OUSD(AT&L) regards the SCO as an extension of OSD, international cooperative program managers should also consider the SCO or MILDEP equivalent as an extension of their program office in dealing with foreign government defense agencies.

10.7 REFERENCES

1. [DoD Directive 5000.01](#), *The Defense Acquisition System*, May 12, 2003, *Certified Current as of November 20, 2007*.
2. [DoD Directive 5132.03](#), *DoD Policy and Responsibilities Relating to Security Cooperation*, October 24, 2008
3. [Department of Defense Instruction](#), 5132.13, *Staffing of Security Cooperation Organizations (SCOs) and The Selection and Training of Security Cooperation Personnel*, January 9, 2009
4. [DoD 5105.38-M](#), *Security Assistance Management Manual, E- SAMM*.
5. [Joint Publication 1-02](#), "Department of Defense Dictionary of Military and Associated Terms," 8 November 2010 (As Amended Through 15 March 2012)
6. The Management of Security Cooperation, Defense Institute of Security Assistance Management (DISAM) – On – Line "[Green Book](#)" 30th Edition January 2011 and 31st Edition February 2012
 - Chapter 1 Introduction to Security Cooperation
 - Chapter 4 Security Cooperation Organizations Overseas
 - Chapter 13 Systems Acquisition and International Armaments Cooperation (a.k.a. International Cooperation in Acquisition, Technology and Logistics (IC in AT&L))

CHAPTER 11: AT&L-RELATED MULTILATERAL AND BILATERAL FORUMS AND ACTIVITIES

11.1 INTRODUCTION

The U.S. participates in a variety of multinational organizations ranging from long standing relationships such as North Atlantic Treaty Organization (NATO) and The Technical Cooperation Program to program specific forums and activities such as the multinational effort to develop and produce the F-35 Joint Strike Fighter aircraft. It also maintains a series of bilateral arrangements, some under the umbrella of established programs and others as unique arrangements, such as the U.S.-Canada Defense Development Sharing Program.

Individually, these activities involve only selected acquisition work force personnel, so they may lack the visibility that other higher profile armaments cooperation activities enjoy. Collectively, however, they entail a significant degree of effort in terms of DoD manpower, time, and travel. Accordingly, DoD acquisition personnel involved in IC in AT&L activities may require familiarity with efforts of one or more of the forums described below in order to obtain assistance in the promotion or implementation of a desired international cooperation initiative. Note that DoD Components also have many recurring meetings and working groups that deal with specific technology or military functions.

11.2 LEGAL AND POLICY BASIS

11.2.1. Legal Basis

11.2.1.1 Foreign Assistance Act of 1961 (P.L. 87–195) Sec. 625.

The Foreign Assistance Act of 1961, Part II, Chapter 2 Administration, Section 625, Employment of Personnel, as amended, confers upon the President the authority to staff USG in order to carry out the State, Defense, U.S. Agency for International Development etc requirements of the FAA.

11.2.1. 2NATO Treaty of 1949.

It is often said that NATO was founded in response to the threat posed by the Soviet Union. This is only partially true. In fact, the Alliance's creation was part of a broader effort to serve three purposes: deterring Soviet expansionism, forbidding the revival of nationalist

militarism in Europe through a strong North American presence on the continent, and encouraging European political integration.

Accordingly, after much discussion and debate, the North Atlantic Treaty was signed on 4 April, 1949. In the Treaty's renowned Article 5, the new Allies agreed "an armed attack against one or more of them... shall be considered an attack against them all" and that following such an attack, each Ally would take "such action as it deems necessary, including the use of armed force" in response. Significantly, Articles 2 and 3 of the Treaty had important purposes not immediately germane to the threat of attack. Article 3 laid the foundation for cooperation in military preparedness between the Allies, and Article 2 allowed them some leeway to engage in non-military cooperation.

11.2.2 Policy

DoD Instruction 2010.06. It is DoD policy that:

a. The Department of Defense pursue materiel interoperability with allies and coalition partners. This means that systems, units, and forces shall be able to provide and accept data, information, materiel, and services to and from other systems, units, and forces and shall effectively interoperate with those of allies and coalition partners.

b. Equipment procured for U.S. forces employed in NATO, other allied, and coalition operations be standardized or at least interoperable with the equipment of allies and coalition partners.

c. Materiel interoperability with allies and coalition partners shall adhere to the Defense Standardization Program (DoDI 4120.24 and DoD 4120.24-M).

d. The Department of Defense shall comply, to the maximum extent feasible, with applicable materiel international standardization agreements ratified by the United States, subject to systems engineering tradeoffs.

11.3 North Atlantic Treaty Organization (NATO) ⁵⁷

11.3.1 NATO – 21st Century Smart Defense

⁵⁷ The reader is hereby informed that much of section 11.3 may change as NATO agencies reform progresses. We have made and/or footnoted changes as known at this writing. The next iteration in 2014 will see further changes do to NATO agencies reform.

NATO has been the centerpiece of all U.S. defense cooperation since the end of World War II. Although still true, in these times of austerity, each euro, dollar or pound sterling counts more than at any time in NATO's history. Thus, smart defense is a concept that encourages allies to cooperate in developing, acquiring and maintaining military capabilities to meet current security problems and contingency operations in accordance with the new NATO strategic concept. That means pooling and sharing capabilities, setting priorities and coordinating efforts better.

11.3.2. NATO's New Strategic Concept

Under the new strategic concept NATO will:

- Continue to play its unique and essential role in ensuring the common defense and security.
- Guide the next phase in NATO's evolution, so that it remains effective in a changing world, against new threats, with new capabilities and new partners:

In addition the new strategic concept:

- Reconfirms the bond between Alliance nations to defend one another against attack, to include the new asymmetric 21st Century threats to the safety of the Alliance's citizens.
- Commits the Alliance to prevent crises, manage conflicts and stabilize post-conflict situations, including by working more closely with old and new international partners, most importantly the United Nations and the European Union.
- Offers NATO's global partners more political engagement with the Alliance, and a substantial role in shaping the NATO-led operations to which they contribute.
- Commits NATO to the goal of creating a world without nuclear weapons – but reconfirms that, as long as there are nuclear weapons in the world, NATO will remain a nuclear Alliance.
- Restates the Alliance's firm commitment to keep the door to NATO open to all European democracies that meet the standards of membership, because enlargement contributes to NATO's goal of a Europe whole, free and at peace.

- Commits NATO to continuous reform towards a more effective, efficient and flexible Alliance, so that NATO taxpayers get the most security for the money they invest in defense.

Since 2008, the world economy has faced its worst period since the end of the WWII. Governments are applying budgetary restrictions to tackle this serious recession. As a result, this recession is having a considerable effect on defense spending while new threats become more diverse and unpredictable; and demonstrate the need for modern systems and facilities, and for less reliance on the United States for costly advanced capabilities.

In these crisis times, rebalancing defense spending between the European nations and the United States is a necessity. All allies must strive to reduce the gap with the United States by equipping themselves with capabilities that are deemed critical, deployable and sustainable, and must demonstrate the political determination to achieve this goal. NATO's response to this goal of equitable burden sharing is smart defense.

11.3.3 The Constituents of Smart Defense

Smart defense is based on capability areas that are critical for NATO, in particular as established at the Lisbon summit in 2010. Ballistic missile defense, intelligence, surveillance and reconnaissance, maintenance of readiness, training and force preparation, effective engagement and force protection – these are all on the list.

For the purposes of smart defense, Alliance nations must give priority to those capabilities which NATO needs most, specialize in what they do best, and look for multinational solutions to shared problems. NATO can act as intermediary, helping the nations to establish what they can do together at lower cost, more efficiently and with less risk.

11.3.4 Smart Defense in the Long Term

At their meeting in October 2011 Defense Ministers stressed the importance of establishing clear priorities, and agreed to look more closely at areas for multinational cooperation, in order to develop concrete projects in the run-up to the Chicago Summit in May 2012.

The 2012 Summit will be a first but essential step in implementing this smart defense concept, with possible agreement between the Allies on a series of concrete multinational projects, and a commitment to a new approach and a new mindset regarding the acquisition and maintenance of capabilities in the long term.

11.3.5 NATO Cooperation

Acting together, the nations can have access to capabilities which they could not afford individually, and achieve economies of scale and better buying power across the Alliance. Cooperation may take different forms, such as a small group of nations led by a framework nation, or strategic sharing by those who are close in terms of geography, culture or common equipment.

11.3.5.1 NATO Conference of National Armaments Directors (CNAD)

Cooperation in weapons development and acquisition is the responsibility of the CNAD, which is made up of the senior person of each nation responsible for weapons procurement, the National Armaments Director (NAD), and meets semi-annually to consider political, economic and technical aspects of NATO forces' equipment development and procurement. The CNAD reports to the North Atlantic Council (NAC), the highest body at NATO. The CNAD is chaired by the Assistant Secretary General for Defense Investment and is supported by the Defense Investment Division of the NATO International Staff.

The CNAD established key committees to concentrate on specific functional areas. These committees, called CNAD "Level One" Groups, include: 3 Main Armaments Groups (NATO Army Armaments Group, NATO Navy Armaments Group, NATO Air Force Armaments Group), 3 "Partnership Groups" (Ammunition Safety, Codification, and Life Cycle Management), and two additional groups (NATO Industrial Advisory Group, and Research and Technology Board). CNAD Main Armaments Groups are responsible for research, armaments and equipment programs and the DoD organizations responsible for sending representatives are shown in Table 11-1. Other groups under the Conference, called "CNAD Partnership Groups" are active in defense procurement policy and acquisition practices, codification or cataloguing, quality assurance, test and safety criteria for ammunition and material standardization. Additionally, the CNAD established Ad Hoc Groups that are responsible for special armaments

projects, such as the Alliance Ground Surveillance Capability Steering Committee (AGS CSC), the Active Layered Theater Ballistic Missile Defense Steering Committee (ALTBMD SC), and the Missile Defense Project Group (MDPG). In 2004, as directed by the North Atlantic Council, the CNAD established a Defense Against Terrorism Program of Work (DAT POW) consisting of a number of initiatives which focus on improving nations' capabilities in the defense against terrorism. Each initiative is led by a lead nation.

NATO Conference of National Armaments Directors (CNAD)	National Armaments Director (NAD) – USD(AT&L)
Level One Groups	U.S. Representative Office
<i>CNAD Main Armaments Groups</i>	
NATO Army Armaments Group (NAAG)	Army - DASA(DE&C)
NATO Navy Armaments Group (NNAG)	Navy - CNO N8F
NATO Air Force Armaments Group (NAFAG)	USAF - SAF/AQ
<i>CNAD Partnership Groups</i>	
NATO Ammunition Safety Group (AC/326)	ASD(Acquisition), Director, LW&M
NATO Group of National Directors on Codification (AC/135)	Defense Logistics Information Service, Defense Logistics Agency
NATO Life Cycle Management Group (AC/327)	OSD(AT&L) – ASD(R&E), DASD (Systems Engineering)
<i>Other CNAD Level One Groups</i>	
NATO Industrial Advisory Group (NIAG)	Industry reps appointed by USD(AT&L)
NATO Science and Technology Organization (STO) ⁵⁸	As appointed by the USD(AT&L) NOTE: As of Jan 2012, the Executive Director, Office of Naval Research is the Senior U.S. Representative to the NATO STO

Table 11-1 CNAD Level One Groups

11.3.5.2 NATO C3 Board (NC3B)

The ASD NII/DoD CIO represents the US on the NATO C3 Board, focused on cooperation between NATO allies on C3 programs. The NC3B also reports to the North Atlantic Council, and is chaired by the Assistant Secretary General for Defense Investment. The NC3B coordinates with the CNAD to further allied goals and objectives in cross-cutting areas of interest.

⁵⁸ As of July 2012 as result of NATO's agency reform efforts the RTO will become NATO Science and Technology Organization (STO)

11.3.5.3 Senior NATO Logisticians Conference (SNLC)

The Senior NATO Logisticians Conference (SNLC) is the senior NATO advisory body on consumer logistics; its mission is to assess NATO's logistics posture to ensure NATO forces adequate logistics support. The Conference has adopted provisions intended to permit NATO to provide logistical support to smaller and more mobile forces consisting of multi-national components.

11.3.5.3.1 NATO Maintenance and Supply Organization and Agency (NAMSO, NAMSA)⁵⁹

NAMSA's activities are overseen by the NATO Maintenance and Supply Organization (NAMSO), formed by 26 NATO nations with the purpose of achieving maximum effectiveness in logistics support at minimum cost to those nations, both individually and collectively. Through a Board of Directors, comprised of senior representatives from the Defense Ministries of participating NAMSO nations, it provides guidance to NAMSA on policy and oversees the implementation of that policy.

11.3.5.3.2 NATO Maintenance and Supply Agency (NAMSA)

Established in 1958, the NATO Maintenance and Supply Agency (NAMSA) is NATO's principal logistics support management agency.

NAMSA's main task is to assist NATO nations by organizing common procurement and supply of spare parts and arranging maintenance and repair services necessary for the support of various weapon systems in their inventories. This assistance is available whenever two or more nations operate the same system and have made a conscious decision to use NAMSA's support facilities.

The main areas in which the Agency is involved are: Supply, Maintenance, Procurement, Contract Management, Engineering and Technical support.

Most of these logistics services are outsourced to industry and the Agency's main role is in consolidating nations' requirements, centralizing logistics management activities,

⁵⁹ As of July 2012, NAMSO will be integrated into the NATO Support Organization (NSPO), as part of the current NATO agencies reform initiative.

conducting international competitive bidding processes and controlling the cost and quality of the services rendered to customers.

Many NATO nations see advantages in a collaborative approach with other members of the Alliance – particularly where this proves to be more cost-effective than supporting their equipment individually. NAMSA's aim is to ensure that customers receive the very best logistics support available to guarantee the operational readiness of their various weapon and equipment systems.

NAMSA also provides support for the NATO Codification System (NCS) and in the developing area of on-line, Internet based, cooperative logistics for the management, exchange, sharing and procurement of materiel. In recent years, the Agency has become increasingly involved in providing logistical support for NATO operations and for deployed Armed Forces of NAMSA member states. NAMSA has also taken the lead in several demilitarization projects for the destruction of anti-personnel landmines, conventional munitions and light weapons. A number of agreements have been reached for NAMSA to support non-NATO nations under the Partnership for Peace (PfP) initiative.

11.3.5.4 NATO Standardization Organization (NSO)

The NSO is comprised of the NATO Committee for Standardization (NCS and NCSREPS), the NATO Standardization Agency (NSA), and the NSA Staff Group (NSSG). The role of the NATO Standardization Organization (NSO) is to advance interoperability and to contribute to the ability of Alliance forces to train, exercise and operate effectively together.

11.3.5.4.1 NATO Committee for Standardization (NCS)

The NATO Committee for Standardization (NCS) is the senior NATO committee for Alliance standardization and operates under the authority of the North Atlantic Council. In conformity with NATO policies and procedures, the NCS is the authority for issuing policy and guidance for all NATO standardization activities. The NCS will be assisted by national representatives (NCSREPS) with delegated authority to achieve its objectives and prepare NCS decisions.

11.3.5.4.2 NATO Standardization Agency (NSA)

The role of the NATO Standardization Agency (NSA) is to initiate, coordinate, support and administer standardization activities conducted under the authority of the NCS. In addition to this broad standardization management role, it also supports the Military Committee (MC) Standardization Boards, each acting as a Tasking Authority (TA) for operational standardization. The Director of the NSA (DNSA) is the principal advisor to the MC on operational standardization and to the Secretary General on overall standardization matters.

11.3.5.4.3 NATO Standardization Staff Group (NSSG)

The NATO Standardization Staff Group (NSSG) is a group assisting the NSA Director for coordinating all standardization activities between the supporting staffs of the Tasking Authorities.

11.3.5.5 NATO Communications and Information Systems

The NATO Consultation, Command and Control Organization (NC3O)-⁶⁰ is responsible for a provision of a cost-effective interoperable and secure capability NATO-wide to ensure high level political consultation and command and control of military forces. The NC3 Agency (NC3A) performs the central planning, systems integration, design, systems engineering and technical support for NATO C3 systems and installations. It also provides scientific and technical advice to the Major NATO Commanders and other NATO customers. NC3A has facilities in The Hague and in Brussels.

11.3.5.6 The NATO Science and Technology Organization (STO)⁶¹

The STO is the single focus in NATO for defense research and technology activities. It was formed in 1996. Its mission is to conduct and promote cooperative research and information exchange. The objective is to support the development of the Alliance, to maintain a technological lead and to provide advice to NATO and national decision-makers. The STO

⁶⁰ As of July 2012 the NATO NC3O will be integrated into the NATO Communication and Information Organization as part of the NATO agencies reform effort.

⁶¹ As of July 2012, RTO will become the NATO Science and Technology Organization (STO), and the Research and Technology Board becomes the Science and Technology Board.

performs its mission with the support of an extensive network of national experts. It also strives to ensure effective coordination with other NATO bodies involved in R&T activities.

The majority of science and technology work is conducted by Technical Teams composed of national volunteers and created for specific activities. The teams also host symposia, cooperative demonstrations of technology, lecture series and technical courses. The total spectrum of S&T activities is covered by the following Panels:

- System Analysis and Studies (SAS)
- Systems Concepts and Integration (SCI)
- Sensors and Electronics Technology (SET)
- Information Systems Technology (IST)
- Applied Vehicle Technology (AVT)
- Human Factors and Medicine (HFM)

After the events of September 11, 2001, what is now the Science and Technology Board (STB) established the Defense Against Terrorism subgroup to provide oversight and coordination to insure prioritized technical issues were incorporated into the panels' programs of work.

The STB constitutes the highest authority within the STO. It is the policy body tasked by the North Atlantic Council (NAC) and reports to both the Military Committee and the CNAD. In addition to the STB, the STO also includes: a NATO Chief Scientist at HQ NATO in Brussels; a dedicated staff headquartered in Neuill, France (the Collaboration Support Office (STO-CSO)); and the Centre for Maritime Research and Experimentation (STO-CMRE) located in La Spezia-Italy. The STB governs the organization. The U.S. lead delegate (each nation is allowed three delegates on the STB) to the STB has traditionally been selected by the ASD(R&E) and officially appointed by the USD(AT&L) as the U.S. CNAD Representative. The U.S. National Coordinator falls under the prevue of OASD(R&E).

11.3.5.7 NATO Partnership For Peace

The Partnership for Peace (PfP) is a program of practical bilateral cooperation between

individual Partner countries and NATO. It allows Partner countries to build up an individual relationship with NATO, choosing their own priorities for cooperation.

Based on a commitment to the democratic principles that underpin the Alliance itself, the purpose of the Partnership for Peace is to increase stability, diminish threats to peace and build strengthened security relationships between individual Partner countries and NATO, as well as among Partner countries.

The essence of the PfP program is a partnership formed individually between each Partner country and NATO, tailored to individual needs and jointly implemented at the level and pace chosen by each participating government. Twenty-four nations have signed framework agreements with NATO under the PfP, some of which eventually became members of the Alliance.

11.3.5.8 NATO Cooperation with Russia

The NATO-Russia Council (NRC) was established in accordance with the Rome Declaration adopted and signed by NATO member states and Russia on 28 May 2002. It is a forum for consultation, consensus-building, cooperation, joint-decision and joint action on a wide range of security issues in the Euro-Atlantic region between NATO and Russia. NRC Working Groups have been created to discuss terrorism, proliferation, theater missile defense and airspace management. The Working Group on Peacekeeping established under the Permanent Joint Council has also been carried over into the NRC framework.

11.3.5.9 NATO Cooperation with Ukraine

The NATO-Ukraine Commission was established in 1997 through the Charter for a Distinctive Partnership between NATO and Ukraine, and is the forum whereby the North Atlantic Council meets Ukrainian representatives, normally twice a year. The role of the Commission is to assess implementation of its Charter and to discuss ways to improve or further develop cooperation. The Military Committee also meets regularly with Ukraine at Chiefs of Staff and Military Representatives levels.

11.3.5.10 NATO Cooperation with Georgia

The NATO-Georgia Commission was established in 2008, and is the forum whereby the North Atlantic Council meets Georgian representatives, normally twice a year. The role of the Commission is to discuss ways to improve or further develop cooperation between NATO and Georgia.

11.3.5.11 NATO Cooperation with Mediterranean Dialogue (MD) and Istanbul Cooperation Initiative (ICI) Nations

NATO's Mediterranean Dialogue was initiated in 1994 by the NAC to contribute to regional security and stability, achieve better mutual understanding, and dispel misconceptions about NATO's policies and objectives among MD countries. Participating countries have increased: Egypt, Israel, Mauritania, Morocco, and Tunisia joined in 1994, followed by Jordan in 1995, and Algeria in 2000.

In a separate but complementary undertaking at the June 2004 Summit, NATO established an Istanbul Cooperation Initiative and invited interested countries in the broader Middle East region to take part, beginning with the member countries of the Gulf Cooperation Council.

11.4 OTHER MULTILATERAL FORUMS AND ACTIVITIES

11.4.1 Five-Power National Armaments Director's Meeting

Established as an ad hoc group to discuss and consider issues addressed by the CNAD, the Five Power consists of the NADs from France, Germany, Italy, the United Kingdom, and the United States. In addition to CNAD issues, the Five Power NADs discuss cooperative projects and issues involving the Five Power countries. The U.S. delegation to the Five Power NAD forum consists of the U.S. NAD (USD (AT&L)) and a small support staff. The Five Power NADs meet semi-annually, just before the CNAD meeting. Each acts in turn as the hosting country. The DoD Components as well as NII for C3 matters have mirrored this Five Power relationship.

11.4.2 Australia, Canada, New Zealand, United Kingdom And United States (AUSCANNZUKUS) Forums

The AUSCANNZUKUS nations have a variety of programs dedicated to standardization and technical cooperation. The objectives are to facilitate standardization of equipment and procedures among their respective member militaries and to develop common or compatible doctrine, logistics procedures, and systems among the participating countries. There are five forums dedicated respectively to land, air, and naval operations; communications; and technology development. Each of the five permanent management staffs is located in Washington, D.C. U. S. participation is guided by interoperability policies contained in [DoD Instruction 2010.06](#), *Materiel Interoperability and Standardization with Allies and Coalition Partners*, and the respective MILDEP Directives, i.e., AR 34-1, AFPD 60-1 and AFPD 63-9. The following are descriptions of the five AUSCANNZUKUS forums:

11.4.3 American, British, Canadian, Australian and New Zealand (ABCA) Armies Program

The ABCA program seeks to optimize interoperability, focusing on the continuum of military operations including prevention, intervention, enforcement, stabilization, regeneration, sustainment, and transition against conventional and unconventional forces in multiple and varied geographic regions and environments. It facilitates materiel and non-materiel information exchange and standardization through the utilization of national and Program lessons, exercises and experimentation to identify coalition interoperability gaps, and determine measures to close or mitigate those gaps. This is accomplished through a network of ABCA Standardization Representatives, which leverage information and monitor coordinations, subordinate Capability Groups, which identify and prioritize interoperability gaps, and Project teams, which develop appropriate solutions. These include ABCA standards and ABCA publications. An ABCA standard is a formal agreement that has been ratified by two or more of the ABCA Armies and that define the levels of standardization or interoperability to be achieved and maintained in a specified materiel, procedural or technical area. An ABCA publication is a document intended to inform ABCA Armies about materiel, procedural and/or technical interoperability matters. It does not require ratification by or compliance from the ABCA Armies. Other ABCA program products include architectures, databases, and reports.

New Zealand was officially accepted as a member in 2006, but the name has remained unchanged. The U.S. Marine Corps is also an official participant in ABCA activities.

11.4.4 Air and Space Interoperability Council (ASIC)

The Air and Space Interoperability Council (previously known as the Air Standardization Coordinating Committee (ASCC)) includes representatives from the air forces of Australia, Canada, New Zealand, the United Kingdom and the United States. The organization has permanent international representation in the Washington, DC ASIC office. Additionally, each member nation supports ASIC with flag rank National Directors, permanent Management Committee members and National Program Managers down through part-time staff and project officers at appropriate level and rank. Its principal objective is to enhance current and future air and space warfighting capabilities through joint and coalition interoperability. Efforts are focused in five functional areas, supported by permanent Working Groups: Force Application, C2ISTAR, Air Mobility, Force Protection, and Agile Combat Support. Project Groups are stood up to address high priority interoperability issues. ASIC seeks to optimize interoperability with products consisting of standards, handbooks, advisory and technical publications and free exchange of information. ASIC also enables the free loan of equipment between member nations for test evaluation purposes under the Test Project Agreement (TPA) program.

11.4.5 AUSCANNZUKUS Naval C4 Organization

The AUSCANNZUKUS provides a forum for the exchange of information on naval interoperability and to resolve long term complex C4 interoperability issues. The primary working element is the C4 Committee which meets twice a year to address technical and operational interoperability issues. Technical support is provided by technical working groups.

11.4.6 Combined Communications—Electronics Board (CCEB)

The CCEB is responsible for coordination of military communications – electronics matters among the five nations. It accomplishes most of its work through two International Subject Matter Experts (ISMEs) groups who consider long-term issues that require continual maintenance. The two current ISMEs are Allied Message Handling and Information Security. The CCEB also has Frequency Managers responsible for coordination and resolution of

frequency spectrum requirements. The CCEB issues a variety of technical publications providing guidance for communications—electronics policies and procedures among the member nations.

11.4.7 The Technical Cooperation Program (TTCP)

The Technical Cooperation Program (TTCP) is an international organization that collaborates in defense scientific and technical information exchange; program harmonization and alignment; and shared research activities for the five nations (Australia, Canada, New Zealand, the United Kingdom, and the United States).

Participation in TTCP is coordinated through regular meetings of national members of the Subordinate Elements at which areas of potential collaboration and program alignment are identified. In addition, symposia are conducted which, if appropriate and agreed by all TTCP participants, may be opened to a wider participation than TTCP members.

TTCP management responsibility has been largely delegated to representatives (Washington deputies) in the Washington, DC area. U.S. participation in TTCP is managed by the PDASD(R&E). This office coordinates U.S. TTCP activities, but the individual subordinate elements are headed up by S&T personnel from the various DoD Components.

11.4.8 The Multinational Interoperability Council

The Multinational Interoperability Council (MIC) is a multinational, operator-led forum, to identify interoperability issues and articulate actions, which if nationally implemented, would contribute to more effective coalition operations. While initial work focused on resolving information interoperability problems, the scope of the MIC has expanded to cover other strategic and operational issues considered key to coalition operations.

The MIC member nations are Australia, Canada, France, Germany, Italy, the United Kingdom, and the United States which are nations most likely to form, lead and/or support a coalition operation. New Zealand and NATO Allied Command Transformation (ACT) have official observer status in the MIC. The MIC is composed of senior operations, doctrine, logistics, and C4 staff officers from each of the member nations as well as senior officials from observer nations and organizations. The MIC Principal from each member nation is a

flag/general officer from the operations directorate of the national defense staff.

11.4.9 Pacific Area Senior Officers Logistics Seminar (PASOLS)

PASOLS is an annual apolitical forum for the exchange of ideas, initiatives, information and experience in the logistics arena sponsored by U.S. Pacific Command (PACOM). It is the only multinational, multi-service, Ministry/Department of Defense level forum in the Pacific region.

Originating in 1971, PASOLS has expanded in size and scope so that now over 30 nations from the Asian-Pacific-Indian Ocean regions are invited to attend, and 25 are member nations (see list of members below). PASOLS has experienced considerable success against its goals of fostering logistics cooperation and logistics proficiency.

PASOLS MEMBER NATIONS (26) (As of November 2010)

AUSTRALIA	KIRIBATI	REPUBLIC OF KOREA
BANGLADESH	MADAGASCAR	SINGAPORE
BRUNEI DARUSSALUM	MALAYSIA	SOLOMON ISLANDS
CANADA	MALDIVES	SRI LANKA
CHINA (PRC)	MONGOLIA	THAILAND
FIJI	NEW ZEALAND	TONGA
INDIA	PAPUA NEW GUINEA	UNITED STATES
INDONESIA	PHILIPPINES	VANUATU
JAPAN	FRANCE	

PASOLS OBSERVERS NATIONS/ORGANIZATIONS** (12)**

CAMBODIA	NEPAL	SOUTH AFRICA
COMOROS	RED CROSS	TIMOR LESTE
LAOS	RUSSIA	UNITED NATIONS
MAURITIUS	SAMOA	VIETNAM

Table 11-2 PASOLS Members and Observers

11.4.10 Ballistic Missile Defense (BMD) International Forum

Hosted annually by the Missile Defense Agency, the BMD International Conference allows MDA to engage with a large number of nations to promote the exchange of information

and wide-ranging discussion of the many issues related to the design, development, testing, deployment and operation, and sustainment of missile defense systems. Issues for discussion may include opportunities for cooperative development, production, and operations as well as the political dimensions of missile defense, and innovative acquisition strategies.

11.5 BILATERAL FORUMS AND ACTIVITIES

There are a number of interactions with our partners. Table 4-3 shows a listing of the key international cooperative activities that the U.S. DoD participates in, and specific details on many of the activities are listed after the table.

NATION(S)	INTERNATIONAL COOPERATIVE ACTIVITY OR TITLE of GOVERNING AGREEMENT
Australia	US-Australia AUSMIN Defense Acquisition Committee
Australia	US-Australia Radar Steering Committee
Brazil	US-Brazil S&T Meeting
Canada	US-CA Armaments Cooperation Management Committee
Canada	US-CA North American Technology and Industrial Base Organization
Chile	US-Chile Defense Consultative Commission
Egypt	US-Egypt Defense Industrial Cooperation Committee
France	US-FR Cooperative Oversight of Programs (COOP) Meeting
India	US-India Joint Technical Group
Israel	US-Israel MOU Meetings
Japan	US-Japan C3 Senior National Representative
Japan	US-Japan Systems and Technology Forum
Korea	US-Korea Defense Industrial Consultative Committee
Korea	US-Korea Defense Technological and Industrial Cooperation Committee
Korea	US-Korea Logistics Cooperation Committee
Lithuania	US-Lithuania Defense Technology Working Group
Russia	US-Russia Defense Technology Conference
Singapore	US-Singapore Defense Cooperation Committee
South Africa	US-S. Africa Defense Committee Acquisition and Technology Working Groups
Sweden	US-Sweden C3 Senior National Representative
United Kingdom	US-UK Bilateral Defense Acquisition Committee
United Kingdom	US-UK Bilateral Logistics Talks
United Kingdom	US-UK Defense Science Board/Advisory Council
United Kingdom	US-UK Interoperability Commission
United Kingdom	US-UK Joint Working Groups
Ukraine	US-Ukraine Joint Committee on Mil-Tech Cooperation
Australia, Finland, Korea and Singapore	US C3 or ICT Meetings
Australia, Czech Republic, Denmark, Germany, Italy, Israel, Japan and United Kingdom	Missile Defense MOU Meetings
Australia, Austria, Belgium, Canada, Denmark, Egypt, Finland, France,	Reciprocal Defense Procurement MOUs

NATION(S)	INTERNATIONAL COOPERATIVE ACTIVITY OR TITLE of GOVERNING AGREEMENT
Germany, Greece, Israel, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom	
Australia, Canada, New Zealand, India, Japan, Singapore, Sweden, Argentina, Brazil, Egypt, Israel, Iraq, Korea, Taiwan and United Kingdom	S&T Roundtables
Czech Republic, Korea and Poland	Reciprocal Quality Assurance MOUs
Spain, Germany, Portugal, Greece and Turkey	Bilateral Defense Industrial Cooperation Meetings
Denmark, Finland, Germany, Italy, Netherlands, Spain, and Sweden	MOU/Declaration of Principles Meetings

Table 11-3 Bilateral International Cooperative Forums and Activities

11.5.1 Deputy Secretary of Defense Led Forums

11.5.1.1 U.S.-UK Bilateral Defense Acquisition Committee (BDAC)

In a July 2003 letter to Prime Minister Blair of the UK, President Bush proposed the establishment of a Bilateral Defense Acquisition Committee ((BDAC). The President recommended that the committee include representatives from the two nation's respective defense and foreign policy communities to address cooperative life cycle acquisition activities from research and development and test and evaluation to cooperative procurement and logistics support. Early focus was prescribed to be on clarifying existing arrangements for defense industrial sharing.

The BDAC officially began in 2004 following the Deputy Secretary of Defense and the Permanent Secretary of the United Kingdom MoD signed the BDAC Terms of Reference (TOR). According to the TOR, at least one meeting each year will be chaired by the U.S. Deputy Secretary of Defense and. Other meetings will be chaired by the DoD Under Secretary of Defense for Acquisition, Technology and Logistics and the MoD Deputy Chief of Defence Staff for Equipment Capability.

11.5.2 AT&L Led Forums

11.5.2.1 U.S.-UK Interoperability Commission (IOC)

Preceding the establishment of the BDAC under a similar set of letter exchanges between

the U.S. President and UK Prime Minister, the U.S.-UK IOC was established in early 2002 to address operational and technical interoperability. The Commission's purpose is to improve the ability of the UK and U.S. military forces to work together in an operation from Day One. The UK sees this as their key forum for U.S.-UK interoperability efforts.

U.S. co-chairs for the IOC are USD(AT&L), DoD CIO, and the Vice Director for Force Structure, Resources, and Assessment, Joint Staff J8. The Deputy Chief of Defence Staff, Capability (DCDS(Cap)) is chair for the UK. Reporting to the IOC is the IOC Working Group (IOWG), responsible for directing the work of the tiger teams. The IOC meets bi-annually, normally in the summer and winter. The IOWG also meets bi-annually between the IOC meetings.

Under the auspices of the IOC, a set number of tiger teams (project groups) exist to facilitate the agreed actions of this Commission to further its mission on interoperability. This requires active engagement of a wide range of coordination within the DoD and MOD. In addition to focus on a particular set of systems or capabilities, there are active engagements to review the larger issue of military requirements and acquisition harmonization to support new U.S.-UK activities for IOC or Component engagement.

11.5.2.2 The U.S.-Japan Systems and Technology Forum (S&TF)

The S&TF is the senior bilateral forum for discussion of defense equipment matters of mutual interest to the U.S. and Japan. The S&TF was established in 1980 to facilitate mutually beneficial cooperation between the U.S. DoD and the Japan Ministry of Defense (MoD) in the fields of systems acquisition and R&D. The S&TF is co-chaired by the USD(AT&L) and the Director General, Bureau of Finance and Equipment, Japan Ministry of Defense. Other U.S. members include senior officials from the Military Departments, DARPA, DSCA, MDA, HQ PACOM and the U.S. Mutual Defense Assistance Office (MDAO), Tokyo.

The S&TF has established subordinate groups on Equipment Cooperation and Technology Development as well as a number of ad hoc Joint Working Groups to manage specific technology exchange issues or projects. The S&TF meets annually and is hosted by each country in turn; a "working level" S&TF meeting is also held annually between the

executive level meetings. Subordinate groups are co-chaired by experts in pertinent fields and meet as required.

11.5.2.3 The AUSMIN Defense Acquisition Committee (ADAC)

The ADAC is the senior bilateral forum between the U.S. Department of Defense and the Australian Department of Defence for discussion and cooperation in matters involving the acquisition and follow-on support of defense equipment. The ADAC is under the auspices of the U.S.-Australian Ministerial Charter. The goals are to regularly discuss matters of mutual interest pertaining to defense equipment acquisition and support, to engage in early discussion of future equipment-related operational requirements, to promote systems interoperability and standardization between U.S. and Australian defense forces, to promote the exchange of technical information, and to facilitate mutually beneficial cooperation in the fields of systems development, acquisition and follow-on logistics support.

The ADAC was established in 1998 and is co-chaired by the Under Secretary, Defence Materiel for the Australian DoD, and the Principal Deputy Under Secretary, Office of the Under Secretary of Defense (Acquisition, Technology and Logistics) for the U.S. DoD. The meetings will routinely include the principal acquisition and international logistics organizations of each side, and any others as appropriate to the agenda. The ADAC normally meets annually and is hosted by each country in turn.

11.5.2.4 The Singapore-U.S. Defense Cooperation Committee (DCC)

The DCC, co-chaired by the USD(AT&L) and the Permanent Secretary (Defence), Singaporean Ministry of Defence, is the senior bilateral forum between the U.S. Department of Defense and the Singaporean Ministry of Defence for discussion and cooperation in matters involving the acquisition and follow-on support of defense equipment. The goals are to regularly discuss matters of mutual interest pertaining to defense equipment acquisition and support, to engage in early discussion of future equipment-related operational requirements, to promote systems interoperability and standardization between U.S. and Singaporean defense forces, to promote the exchange of technical information, and to facilitate mutually beneficial cooperation in the fields of systems development, acquisition and follow-on logistics support.

11.5.3 AT&L IC led Forums

11.5.3.1 The U.S.-Republic of Korea (ROK) Defense Technological and Industrial Cooperation Committee (DTICC)

DTICC was established in 1988 to facilitate mutual and equitable defense industrial cooperation between the U.S. and the ROK. Its objectives are to improve ROK defense capabilities and to enrich the defense technology bases of both participants. DTICC oversees ongoing cooperation under the Defense RDT&E Information Exchange Program and Defense Personnel Exchange Program (DPEP), as well as cooperative R&D and production projects.

DTICC is co-chaired by DIR(IC) and the Director General, Research and Development Bureau, ROK Ministry of National Defense. A subordinate Technological Cooperation Subcommittee (TCSC) is co-chaired by a DIR(IC) representative and focuses on information exchange and cooperative R&D.

11.5.3.2 The India-U.S. Joint Technical Group (JTG)

The India-U.S. JTG was established in 1995 as part of the bilateral defense framework agreement worked out between the U.S. Secretary of Defense and the Indian Prime Minister. It aims to expand defense research, development and production cooperation between India and the U.S.. The JTG is co-chaired by the Director, International Cooperation, OUSD(AT&L) and the Chief Controller, Research and Development, Defence Research and Development Organization (DRDO), and meets annually.

11.5.3.3 The U.S./Canadian Armaments Cooperation Management Committee (ACMC)

The key objective of the ACMC is to improve the state of armaments cooperation and related matters between the two countries. It is co-chaired by Director, Armaments Cooperation Atlantic (ACA) for the U.S. and Director General, International & Industry Programs (DGIIP) for Canada. The ACMC reports to the NADs on the status of its activities, which include: monitoring on-going activities of DoD and DND to ensure consistency of armaments cooperation efforts; resolving armaments cooperation issues beyond the mandates of Staffs; reviewing and attempting to resolve systemic problems associated with specific policy issues; and, finally, identifying, as directed by the NADs, new areas of potential cooperation between the two countries.

11.5.3.4 The Argentina-U.S. Science, Technology and Logistics Sub-Group

The Argentina-U.S. Science, Technology and Logistics Sub-Group is a committee of the Argentina-U.S. Defense Bilateral Working Group (BWG), the senior bilateral forum devoted to the defense relationship between Argentina and the U.S.. Traditionally, the meetings of the Sub-Group are chaired by the Director, Pacific Armaments Cooperation in OUSD(AT&L)/IC or the General Director of Technological and Industrial Planning in the Argentine Ministry of Defense (MoD). The Science, Technology and Logistics Sub-Group meets in conjunction with the BWG and is the senior bilateral forum between the U.S. Department of Defense (DoD) and the Argentine MoD for discussion and coordination of matters involving research, development, test, evaluation, production and follow-on support of defense equipment. It aims to establish a framework for bilateral cooperation in defense science and technology and other activities related to the acquisition of defense equipment, provide a forum in which the policies, plans and requirements of both sides can be discussed, and develop activities that will lead to substantive cooperation in research, development, test, evaluation, production and follow-on support of defense equipment.

11.5.3.5 The South Africa-U.S. Acquisition and Technology Working Group (A&TWG)

The A&TWG of the South Africa-U.S. Defense Committee is the senior bilateral forum between the U.S. Department of Defense and the RSA Department of Defence for discussion and coordination of matters involving research, development, test, evaluation, production and follow-on support of defense equipment. The A&TWG is co-chaired by the Director, Pacific Armaments Cooperation, OUSD(AT&L) and the Chief of Acquisition and Procurement, Department of Defence. The Working Group was established in 1997 as a charter element of the South Africa-U.S. Defense Committee. Its aims are to: Establish a framework for bilateral cooperation in acquisition and life-cycle support of defense equipment; facilitate cooperative activities; develop activities that will lead to substantive cooperation and monitor progress periodically; provide a forum in which the policies, plans and requirements of both sides can be discussed, and; exchange information and views on Acquisition and Technology Management. Meetings of the A&T Working Group are held annually, usually in conjunction with meetings of the Defense Committee.

11.5.4 Other DoD Components⁶² Level Meetings

11.5.4.1 Senior National Representative Forums

Held by IC in AT&L offices of the MILDEPs and DoD/CIO, the SNR forums are established and held with different allies to further the goals of armaments cooperation. Each lead works with their respective counterparts to establish the SNR goals and meeting schedules.

11.5.4.2 Staff Talks

The operational components of the MILDEPs host bilateral Staff Talks with allied and friendly nations. Many of these are done either in coordination or in concert with the IC in AT&L organizations to provide greater cohesion and support to warfighter needs.

11.5.4.3 Missile Defense Bilateral Meetings

The Missile Defense Agency (MDA) has a number of framework arrangements with allied nations, under which to perform IC in AT&L activities supporting missile defense. Under the auspices of these agreements, MDA will co-chair meetings with their counterparts to discuss ongoing or planned activities.

11.6 EDUCATION RELATED INTERNATIONAL ACTIVITIES

11.6.1 Von Karman Institute

The Von Karman Institute for Fluid Dynamics in Belgium was established in 1956 as an educational and research organization that performs leading edge research in fluid dynamics. Personnel from NATO member nations can also earn advanced degrees from the Institute. The U.S. is the executive agent for the Von Karman Institute. It is currently supported with subsidies from most of the member countries of NATO and with an income derived from contract research.

11.6.2 International Defense Educational and Acquisition Arrangement (IDEAA)

IDEAA was formed in 1988 as an arrangement among the defense acquisition training

⁶² Office of the Secretary of Defense (OSD), the Military Departments (MILDEPs), the Chairman Joint Chiefs of Staff (CJCS), the Unified Combatant Commands (COCOMs), the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (collectively referred as the “DoD Components.”

and education institutions in the U.S., the United Kingdom, and Germany. France joined in 1991. Australia, Spain and Sweden all joined in 2005. The name was changed to IDEAA in 2007 to emphasize that the arrangement is focused on defense acquisition, not just training and education. The participating institutions are:

- Defense Acquisition University, Fort Belvoir, U.S.
- Defence Academy of the United Kingdom, Shrivenham, United Kingdom
- Federal Academy of Defence Administration and Technology, Mannheim, Germany
- Institut Des Hautes de Defense National, Paris, France
- Defence Materiel Organisation, Canberra, Australia
- Dirección General De Armamento y Material, Madrid, Spain
- Defence Materiel Administration, Stockholm, Sweden

IDEAA aims to improve the economy and effectiveness of international training and education for acquisition management through cooperation among national defense training and education institutions. IDEAA is funded on a national basis.

IDEAA members meet annually during an international armaments cooperation seminar, the hosting of which rotates among the participating institutions. An annual product of IDEAA is the documentation and update of the participating nations' acquisition processes and related topics in a uniform format.

11.7 SUMMARY

In conformance with U.S. policy, DoD is well represented in international organizations engaged in armaments cooperation. There are many other organizations and forums, in addition to the aforementioned, that are involved in international armaments cooperation. Many organizations have components involved in very specific international technical efforts. For information on any of these groups, contact the appropriate international programs office.

11.8 REFERENCES

1. [DoD Instruction 2010.4](#), *U.S. Participation in Certain NATO Groups Relating to the Research, Development, Production and Logistics Support of Military Equipment*, 12

December 1967.

2. [DoD Instruction 2010.06](#), *Materiel Interoperability and Standardization with Allies and Coalition Partners*, July 29, 2009
3. [DoD Instruction 3100.8](#), *The Technical Cooperation Program*, September 11, 1973, *Administrative Reissuance Incorporating Change 1, June 26, 1978*
4. [DoD 5105.38-M](#), *Security Assistance Management Manual*, E-SAMM.
5. [The North Atlantic Treaty Organization Handbook 2006](#), NATO Office of Information and Press, 1110 Brussels, Belgium.
6. [American, British, Canadian, and Australian \(ABCA\) Armies Washington Staff Handbook, 2006](#).

CHAPTER 12: IC IN AT&L INTERNATIONAL AGREEMENTS

12.1 INTRODUCTION

The essential element of any IC in AT&L program is the formal agreement between cooperating nations that delineates respective commitments and responsibilities. The Department of Defense has a highly structured process governing the development, coordination, negotiation, and implementation of IC in AT&L international agreements (IAs), also known as Memoranda of Understanding (MOUs) or Memoranda of Agreement (MOAs), Projects Agreements and Arrangements (PAs), and Equipment and Material Transfer Arrangements (E&MTAs). The cooperative IA shall, consistent with DoD Directive 5530.3, DoDI 5000.02, and Defense Acquisition Guidebook specify the relationship and respective responsibilities of the Department of Defense and the participating nation(s).

The most important point to remember about IC in AT&L agreements (IAs) is that international program-related laws, regulations and policies in most instances apply in addition to — not instead of — applicable domestic DoD acquisition laws, regulations and policies. Acquisition personnel, with the assistance of supporting DoD international programs organizations, must comply with both domestic and international laws, regulations, and policies while developing and implementing IC in AT&L agreements.

Over the years, Congress has enacted a number of laws encouraging and enabling cooperation with our allies in the acquisition of defense equipment. Most are codified in Title 10 United States Code – Armed Forces, and Title 22 – Foreign Relations and Intercourse, as amended in annual National Defense Authorization Acts. These laws often permit departures, when appropriate and justified, from domestic procurement law that would otherwise make cooperation impossible. Acquisition workforce awareness of these legislative provisions is essential, both to recognize the opportunities and to ensure that legal authorities are not exceeded.

IAs are used to establish information exchanges, personnel exchanges and assignments, EMTAs, cooperative research, development, test and evaluation projects, acquisitions,

cooperative and coproduction (including licensed coproduction), cooperative or reciprocal logistics support. IAs document the agreement between the U.S. and one or more foreign partners when a commitment of resources – funds, equipment, labor, information or action – is required. The simplest IA may commit to the transfer equipment and material for RDT&E purposes; the most complex could be a multi-billion dollar agreement such as the production, sustainment and follow-on development MOU for the Joint Strike Fighter Program.

This chapter describes some key IA principles, outlines the use of the IA Generator in developing an IA, and summarizes the development, coordination, negotiation, and implementation of armaments cooperation IAs, emphasizing streamlined procedures. This chapter covers only the IA process itself. Detailed description and guidance about cooperative research, development and acquisition (RD&A) programs is contained in Chapter 9.

12.2 LEGAL AND POLICY BASIS

Acquisition workforce awareness of these legislative provisions is essential, both to recognize the opportunities and to ensure that legal authorities are complied with. Each area of international cooperation has one or more statutes that form the legal basis for DoD IC in AT&L. In many instances, additional U.S. government (USG) regulations and DoD/DoD Component policies, manuals etc. have been issued or developed to implement these legal requirements and establish specific procedural guidance that must be followed by DoD acquisition personnel.

Key statutes and policies are described in the following paragraphs; see ANNEX B for a comprehensive listing.

12.2.1 Legal Basis

Various legal authorities are the statutory basis for development, negotiation, and implementation of IC in AT&L IAs:

12.2.1.1 Title 22 U.S.C. (or Arms Export Control Act)

Relevant provisions of the AECA describe specific requirements for IC in AT&L programs. Cooperative projects require a written agreement, an equitable sharing of costs, an objective of promoting rationalization, standardization, and interoperability (RSI), and joint

management to improve conventional defense capabilities of participants. Relevant sections of the AECA (Title 22 U.S.C.) include:

22 U.S.C., Section 27 (22 U.S.C., Section 2767)⁶³: Authorizes the President (delegated to the Under Secretary of Defense (Acquisition, Technology & Logistics)) to enter into cooperative projects with NATO, NATO allies, NATO organizations or other friendly foreign countries. This legal authority provides for the U.S. and at least one other participant (a) to share the cost of research and development, testing, evaluation, and joint production, to including follow-on support; (b) for concurrent production in the U.S. or another member country of a jointly developed defense article; or (c) for procurement by the U.S. of defense articles from other eligible participants in direct support of the cooperative program. Note that Section 27 specifically describes the requirement for equitable cost sharing:

“Each agreement for a cooperative project shall provide that the United States and each participant will contribute to the cooperative project its equitable share of the full cost of such cooperative projects and will receive an equitable share of the results of such cooperative projects.”

A 30-calendar day Congressional notification period prior to signature is required for all IAs that use Section 27 as a legal authority. Congress need not be in session during the notification period. If a Member of Congress or a Congressional staff member expresses concerns about the agreement within this 30 day period, the signing of the agreement must be delayed until the issue is resolved or the agreement proponent receives authorization from the OUSD(AT&L) to proceed.

22 U.S.C., Section 2796d (AECA Section 65): Under this Section, DoD Components may conclude and implement written agreements to make, accept, and administer loans, without charge, of U.S. defense materials, supplies, or equipment to, and to accept loans or gifts of defense materials, supplies, or equipment from a NATO nation or major non-NATO ally. These agreements permit no-cost loans of equipment for the purposes of cooperative research, development, test and evaluation programs. Each transaction must be provided for under the terms of an IA that includes, but are not limited to the purpose and objective(s) of the loan; articles to be loaned; loan duration; management responsibilities; and financial arrangements. Section 65 Loan Agreements (and Section 61 Leases) are discussed in more detail in Chapter 2,

⁶³ Also see following Title 10 U.S.C. 2350i.

section 2.3.5. The implications of expending or consuming a loaned item are addressed in the Department of Defense Financial Management Regulation, and may be authorized by the Secretary of Defense under Section 65. The MILDEP international offices can provide guidance should this occur.

12.2.1.2 Title 10 U.S.C.

Title 10 contains a number of authorities that authorize international cooperative activities for the conduct of joint research, development, test and evaluation. The most commonly used authorities are Sections 2350a and 2358.

10 U.S.C. Section 2350a – Cooperative Research and Development Agreements: This statute also provides DoD the authority to conduct cooperative R&D with NATO, NATO Organizations, Member nations of NATO, major non-NATO allies and friendly foreign countries. All programs utilizing NATO Cooperative R&D funds rely on this legal authority. Additional information on international cooperative R&D and NATO “Nunn” funds.⁶⁴ Although Title 10 U.S.C. Section 2350a and AECA Section 27 are similar in many respects, some key differences do exist, including the following:

- Section 2350a is limited to R&D; Section 27 also allows for cooperative and concurrent production efforts.
- Section 2350a designation extends to eight nations not designated as friendly foreign countries under Section 27 - Bahrain, Jordan, Morocco, New Zealand, Pakistan, the Philippines, Taiwan, and Thailand. However, these nations are designated as major non-NATO allies under AECA Section 65, thus authorizing loans, but not cooperative production.
- Section 27 allows the U.S. to mix and consolidate the participating governments’ funding so that the pilot/lead nation can contract on behalf of the other(s). Section 2350a does not allow this.
- Section 2350i provides additional contracting-related authority available for cooperative projects under AECA Section 27. Section 2350i enables foreign contributions to cooperative projects to be credited to DoD appropriations.

⁶⁴ Nunn R&D funding responsibility has been delegated by OSD to the MILDEP IPOs. Check with IPOs re procedures for attaining Nunn funds for NATO R&D projects.

- Section 2350a efforts have no Congressional notification requirement prior to signing the agreement unless friendly foreign countries are involved. USD(AT&L) approval is still required.

10 U.S.C. Section 2350a(e) – Cooperative Opportunities: as amended by Section 1251 of the National Defense Authorization Act for Fiscal Year 2008, requires an analysis of potential opportunities for international cooperation for all Acquisition Category I programs before the first milestone or decision point.

10 U.S.C. Section 2350l – Cooperative Agreements for Reciprocal Use of Test Facilities: Foreign Countries and International Organizations: This statutory amendment was enacted in December 2001. Years of experience with Canada under the Canada-U.S. Test and Evaluation Program (CANUSTEP) MOU pinpointed areas where clarification of the legal basis was needed. The U.S. sought and obtained a specific Test and Evaluation Program (TEP) amendment to the R&D legal authority, 10 U.S.C., Chapter 138, Section 2350l. This legal authority authorizes the Secretary of Defense, with concurrence of the Secretary of State, to enter into an MOU (or other formal agreement) for the reciprocal testing of defense equipment. Section 2350l further defines the payment of costs associated with the reciprocal testing. This new authority served as the legal basis for the renewal/ replacement of the CANUSTEP MOU in 2001, and for other bilateral TEP MOUs with Australia, France, the Netherlands and the United Kingdom.

10 U.S.C. Section 2358 – Research and Development Projects (General R&D Authority): Section 2358 confers authority on the Secretary of Defense and the Secretaries of the Military Department to conduct and participate in R&D programs as appropriate⁶⁵. Section 2358 is often referred to as “general R&D authority.” This authority may be cited for cooperative R&D programs that do not involve coproduction, and where the participants perform, or separately contract to perform, their own share of the work. The greatest benefit of

⁶⁵ The Secretary of Defense or the Secretary of a military department may perform research and development projects— (1) by contract (§ 6303), cooperative agreement (§ [6305](#)), or grant (§ 6304), in accordance with chapter [63](#) of title [31](#);

Section 2358 is that it can be used for limited cooperative R&D activities with nations that are not members of NATO, nor have been designated as major non-NATO allies.

12.2.2 Policy Basis

The Department of Defense has strongly supported IC in AT&L as a key aspect of the DoD acquisition process. DoD Directive 5000.01, which provides management principles and mandatory policies and procedures for managing all acquisition programs, states that “Program Managers shall pursue international armaments cooperation to the maximum extent feasible, consistent with sound business practice and with the overall political, economic, technological, and national security goals of the United States.” Furthermore, interoperability between U.S. Forces and coalition partners is U.S. defense acquisition policy. The Directive goes on further to say that systems, units, and forces shall be able to provide and accept data, information, materiel, and services to and from other systems, units, and forces and shall effectively interoperate with other U.S. Forces and coalition partners. A cooperative development program with one or more allied nations is preferred to a new, joint, DoD Component or government agency development program, or DoD Component-unique development program.

DoD Directive 5000.01 and DoD Instruction 5000.02, specify the requirements for international considerations. During the development of the [Technology Development Strategy \(TDS\)](#) for Milestone A or the initial [Acquisition Strategy \(AS\)](#) for Milestone B for a new program, the potential for international cooperative research, development, test, evaluation, production, and logistics support should be addressed, and thereafter, the potential for international cooperation should be considered in every phase of the acquisition process.

See the following table for a quick listing of IC in AT&L statutes, directives and instructions by functional area; see ANNEX B for a comprehensive listing.

12.2.2.1 International Agreements – General

Any international agreement between the U.S. and another nation constitutes a commitment binding in international law on the part of the U.S. and the foreign government. Such agreements obligate both governments to provide funds or other resources, or to perform certain activities. The clearly defined IA authorization and approval process ensures that the U.S. does not commit to a course of action that may not be in its best interest.

12.2.2.2 International Agreements – DoD

DoDD 5530.3, International Agreements, is the principal directive that governs international agreements. However, for cooperative R&D international agreements, DoD Instruction 5000.02, the *Defense Acquisition Guidebook* (DAG) and this Handbook delineate streamlined procedures that may be used in lieu of the lengthy requirements mandated by the DoDD 5530.3. The definition of an international agreement contains important aspects. It can be concluded by any DoD Component, or in certain situations by the Department of State, with a foreign government or international organization. The U.S. insists that any international agreement must signify the intention of its parties to be bound in international law. While DoDD 5530.3 lists many possible denominations for an international agreement, the most common are Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA).

The following seven documents are explicitly not considered to constitute international agreements for purposes of DoDD 5530.3. Eight and nine are added to the list to avoid any confusion.

- (1) Contracts made under the Federal Acquisition Regulations.
- (2) Foreign Military Sales Credit Agreements.
- (3) Foreign Military Sales Letters of Offer and Acceptance and Letters of Intent.
- (4) Standardization Agreements (STANAGs, ABCA Standards, ASCC Air Standards, NAVSTAGs). However, STANAGs that provide for mutual support or cross-servicing are considered international agreements.
- (5) Leases.
- (6) Agreements solely to establish administrative procedures.
- (7) Acquisitions or orders pursuant to cross-servicing agreements made under the authority of the NATO Mutual Support Act.
- (8) Industry only relationships.
- (9) Information [or Data] Exchange Program (IEP) annexes (see Chapter 13).

Unless a proposed agreement fits one of the nine categories above, DoD acquisition personnel should consider any proposed cooperative program document potentially to be an IA as described by DoD 5530.3.

Various legal authorities are the statutory basis for development, negotiation, and implementation of IC in AT&L IAs. DoD Directive 5530.3, DoDI 5000.02 and the DAG, and associated DEPSECDEF policy memoranda govern the processing of armaments cooperation IAs. Establishment of the proposed IA's legal basis is a critical element in the IA development and coordination process and should be accomplished in close coordination with the cognizant DoD international programs organization and associated general counsel's office. DoDD 5000.01 provides additional policy that international agreements for international armaments cooperation programs shall complete the interagency consultation and Congressional notification when applicable.

Special considerations apply to certain international agreement provisions and types. Security provisions for agreements involving or likely to involve the release of classified military information, classified technology, or classified materiel shall be coordinated with the Office of the Under Secretary of Defense (Policy), (USD(P)) Chief of Staff, International Security Programs before making any commitment to representatives of a foreign government or international organization. Such agreements shall be consistent with the National and DoD disclosure policies and shall meet the conditions for release provided therein. For Nuclear, Chemical and Biological international agreements, the Office of the USD(AT&L)/International Cooperation coordinates all such agreements (including Memoranda of Understanding, Project Arrangements, other similar agreements) and Information Exchange Program annexes relating to NCB warfare technologies (including defenses against such technologies) with the Assistant to the Secretary of Defense (Nuclear and Chemical and Biological Defense Programs) prior to approving the agreement. See Section 11.2.2.3.3. of the DAG for additional details. Review for consistency with laws and treaties, customary international law, and the law of armed conflict per DoDD 5000.01 paragraph E1.1.15, may be performed by the Office of General Counsel.

12.2.2.3 Consultation with the Department of State

The Case Act (Section 112b of Title 1, United States Code) requires executive agencies to consult with the Secretary of State before signing an international agreement, as well as to provide copies of all IAs after they have been concluded. Not every agreement requires consultation; for example, those that fall under a specific class of agreement that the Department

of State already has approved do not. If required, it is the responsibility of OSD to coordinate with Department of State during the review and approval of a proposed IA.

12.2.2.4 Consultation with the Department of Commerce

The Department of Defense is required to consider the effects of any agreement on the U.S. industrial base, and to consult with the Department of Commerce about the commercial implications and potential effects on the international competitive position of U.S. industry according to Section 2531 of Title 10, United States Code. Additionally, Section 2532 states that no official of the United States may enter into a memorandum of understanding or other agreement with a foreign government that would require the transfer of United States defense technology to a foreign country or a foreign firm in connection with a contract that is subject to an offset arrangement if the implementation of such memorandum of agreement would significantly and adversely affect the defense industrial base of the United States and would result in a substantial financial loss to a United States firm. The Secretary of Defense, in consultation with the Secretaries of Commerce and State, determine the validity of such a claim, or avoid application by certifying to Congress that such understanding or agreement will result in strengthening the national security of the United States.

On January 5, 2005, the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)), and the Under Secretary of Commerce for Industry and Security (USC(BIS)) established the following administrative procedures concerning Interagency Coordination of Acquisition, Technology, and Logistics-Related International Agreements.

The Office of the USD(AT&L) agreed to continue its current practice of parallel internal DoD AT&L/DOC BIS consultation of all IAs in accordance with DoD's IA streamlining policy and procedures, as well as specific delegations of IA authority to the DoD Military Departments (Army, Navy and Air Force). Specific consultation procedures by IA type are as follows:

12.2.2.4.1 Consultation re International Cooperative IAs (also known as Memoranda of Understanding/ Agreement (MOUs/MOAs): OUSD(AT&L)/Director for International Cooperation (IC) will provide DOC BIS/Director of Office of Strategic Industries and Economic Security (SIES) with copies of all DoD IA proponent "Requests for Authority to Develop" (RADs) and "Requests for Final Approval" (RFAs) prior to the planned IA negotiation (for

RADs) and IA signature (for RFAs). DOC BIS will use its best efforts to respond in writing within a 21-day period. OUSD(AT&L) will use its best efforts to ensure DOC BIS comments and recommendations are fully considered by the DoD IA proponent prior to OUSD(AT&L) RAD or RFA approval. In the event DOC BIS/SIES submits a non-concurrence which is based on substantive objections and/or insufficient information to OUSD(AT&L)/IC at the end of the 21 day period, the Dispute Resolution Procedures described in Section 12.3.4.3. below will be employed in an attempt to resolve the issue prior to IA negotiation or signature.

12.2.2.4.2 Consultation re Project Agreements/Arrangements/Annexes (PAs) and E&MTAs under DoD AT&L Umbrella IAs, and standalone E&MTAs (Loans):

OUSD(AT&L)/IC will provide DOC BIS/SIES with copies of all DoD proponent RFAs prior to IA signature. DOC BIS will use its best efforts to respond in writing within a 15-day period. OUSD(AT&L) will use its best efforts to ensure DOC BIS comments and recommendations are fully considered by the DoD IA proponent prior to OUSD(AT&L) RFA approval. In the event DOC BIS/SIES submits a non-concurrence which is based on substantive objections and/or insufficient information to OUSD(AT&L)/IC at the end of the 15 day period, the Dispute Resolution Procedures described in Section 12.2.4.3 below will be employed in an attempt to resolve the issue prior to DoD IA signature.

12.2.2.4.3 Consultation re Defense Research, Development, Test and Evaluation (RDT&E) Information Exchange Program (IEP) – IEP annexes (a.k.a. Data Exchange Annexes [DEAs] or Information Exchange Annexes [IEAs]) under umbrella or master information exchange agreements (see [DoDI 2015.4](#)): Recognizing that DoD has delegated authority for IEP annex negotiation and signature to the Military Departments, OUSD(AT&L)/IC instructed the DoD Military Departments to provide DOC BIS/SIES with copies of proposed IEP annexes prior to IEP annex signature. DOC BIS will use its best efforts to respond in writing to the responsible DoD Military Department within a 15-day period. In the event DOC BIS/SIES submits a non-concurrence which is based on substantive objections and/or insufficient information to the responsible DoD IEP annex proponent and OUSD(AT&L)/IC at the end of the 15 day period, the Dispute Resolution Procedures described in Section 12.2.2.4.5 below will be employed in an attempt to resolve the issue prior to IEP annex signature. (See Chapter 13 Information Exchange Program for full discussion regarding the development, coordination and conclusion of IEP annexes.)

12.2.2.4.4 Expedited Review

OUSD(AT&L)/IC may, if the need arises, request from DOC BIS/SIES an expedited DOC BIS review of any of the IAs and/or IEP annexes addressed in the Interagency Consultation Procedures described above. OUSD(AT&L)/IC and DOC BIS/SIES will mutually agree upon the terms and conditions that will apply to the expedited review on a case-by-case basis.

12.2.2.4.5 Interagency Dispute Resolution Procedures

In the event a DOC BIS non-concurrence results from the Interagency Consultation Process described in the preceding paragraphs, the following interagency dispute resolution procedures will be employed:

OUSD(AT&L)/IC and DOC BIS/SIES will discuss the matter and make a good faith effort to resolve the issue. If no accommodation can be made, OUSD(AT&L)/IC will notify DOC BIS/SIES in writing before taking final action. Notwithstanding the Interagency Consultation Process and Dispute Resolution Procedures described herein, the Department of Defense and the Department of Commerce retain their respective authorities under U.S. law and regulation to act in the best interests of their respective Departments.

12.2.2.4.6 Distribution of Signed IAs

The Department of Defense will use its best efforts to provide copies of signed IAs to DOC BIS by including DOC on distribution for all IAs subject to Case Act notification to the Department of State.

In responding to any DOC inquiries on proposed IAs or IEP annexes, the following procedures should be followed:

- If your office receives DOC questions or comments verbally, a response should be provided verbally.
- OSD should be notified of such questions and responses as the subject warrants.
- If questions or a non-concur are received in writing, a written response should be drafted and staffed through OUSD(AT&L)/DIR, IC before being provided to the Department of Commerce.

These exchanges may occur electronically as appropriate.

12.2.2.5 Consultation with the Department of the Treasury

Executive Order 11958 (Section 1(f)) requires the Department of Defense to consult with the Department of the Treasury (in addition to the Department of State) before notifying Congress of its intent to sign certain agreements. Not every agreement requires this consultation. If required, it is the responsibility of OSD to perform this coordination prior to the Congressional notification process.

12.2.2.6 Negotiating an Agreement

DoDD 5530.3 specifically prohibits DoD personnel from initiating or conducting negotiations of an international agreement without the prior written approval of the DoD official who has approval authority. In the case of cooperative RDT&E and production programs, the authority lies with the USD(AT&L). There is a clear distinction between “exploratory or technical discussions” and “negotiations.” It is incumbent upon DoD acquisition personnel to ensure any meetings held are only exploratory in nature and not negotiations of provisions binding upon the U.S. government until authority to enter into formal negotiation has been granted by proper authority. Furthermore, the DoDD 5530.3 definition of negotiation expressly prohibits DoD personnel from offering to or accepting from representatives of a foreign government any draft agreement, whether titled as such or not.

Note that exploratory discussions to determine the feasibility of the proposed project are almost always required in order to provide adequate justification for the proposed IA in the SSOI. Proponents should actively explore project plans in such discussions, but must avoid making any commitments prior to the formal negotiation stage. Draft IA text may not be provided to nor accepted from the prospective foreign partner until authority to negotiate the agreement is granted by OSD.

12.3 DEFINITIONS

<i>Conclusion [of an International Agreement (IA)]</i>	The act of signing, initialing, responding or otherwise indicating the acceptance of an international agreement by the United States.
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Any agreement concluded with one or more foreign governments including their agencies, instrumentalities, or political subdivisions, or with an international organization that: (1) Is signed or agreed to by personnel of any Department of Defense (DoD) Component, or by representatives of the Department of State (DoS) or any other Department or Agency of the U.S. Government, (2) Signifies the intention of its parties to be bound in international law, (3) Is denominated as an international agreement or as a memorandum of understanding, memorandum of agreement, memorandum of arrangements, exchange of notes, exchange of letters, technical arrangements, protocol, note verbal, aide memoir, agreed minute, contract, arrangement, statement of intent, letter of intent, statement of understanding or any other name connoting a similar legal consequence.

Negotiation

Communication by any means of a position or offer, on behalf of the United States, the Department of Defense, or on behalf of any officer or organizational element thereof, to an agent or representative of a foreign government, including an agency, instrumentality, or political subdivision thereof, or of an international organization, in such detail that acceptance in substance of such a position or offer would result in an international agreement. The term “negotiation” includes any such communication even though conditioned on later approval by a responsible authority. The term “negotiation” also includes provision of a draft agreement or other document, the acceptance of which would constitute an agreement, as well as discussions concerning U. S. or foreign government or international organization draft document whether or not titled “Agreement”. The term “Negotiation” does not include preliminary or exploratory discussions or routine meetings where no draft documents are discussed, so long as such discussions or meetings

are conducted with the understanding that the views communicated do not and shall not bind or commit any side, legally or otherwise.

Parties or Participants

Signatories to the IA.

Summary Statement of Intent (SSOI)

A document authorized by DoDI 5000.02 in lieu of the DoDD 5530.3 required legal memorandum, fiscal memorandum and Technology Assessment/Control Plan; also see the *Defense Acquisition Guidebook* (DAG). The SSOI constitutes a summary of the IA covering requirement of the proposed project; identification of the partner nation(s); applicable legal authority; potential industrial base impact; funding availability; contracting; information security and technology transfer issues; and proponents of the project.

Technical or Exploratory Discussions (TED)

The technical and programmatic interchange that takes place prior to obtaining the formal authority to negotiate (see definition of Negotiation.).

Master or Umbrella IA

An IA that sets forth general provisions that apply to all the specific projects pursued within its scope and framework. The approval authority to begin negotiations of individual projects under such IAs may be delegated to a lower level than the signatory of the IA.

12.4 COOPERATIVE OPPORTUNITIES, TECHNICAL/EXPLORATORY DISCUSSIONS (TED) and MOU/MOA vs. PA or E&MTA DECISIONS

A proposal for an IC in AT&L project for which an MOU/PA may prove beneficial can emerge in a number of ways. DoDI 5000.02 requires IC in AT&L opportunities be addressed at the earliest point in the Defense Acquisition Management System; it also implies that an IC in AT&L opportunities review be executed at each milestone. Therefore, it is a good idea to

examine cooperative opportunities not only during the Materiel Solution Analysis, but also during the Milestone A Technology Development Strategy (TDS), and/or Milestones B and/or C Acquisition Strategy (AS):

12.4.1 Cooperative Opportunities Documents (COD)

A COD may result from input from market research, Defense Research, Development, Test and Evaluation (RDT&E) Information Exchange Program (IEP) annexes (Chapter 13), information exchange under umbrella Technology Research and Development Program (TRDP) or RDT&E Program agreements, Engineers and Scientists Exchange Program (ESEP) (Chapter 14) participants, and/or participation in standing bilateral or multilateral forums (Chapter 11). For a comprehensive definition of a COD, see either Chapter 3, section 3.3 Definitions or Chapter 4 section 4.3 Definitions.

12.4.2 Technology Development Strategy (TDS).

TDS cooperative opportunities are identified either as a result of the above or further identified and/or developed and analyzed for Milestone A. Such analysis must be spelled out in the TDS' Section 10 (International Involvement) .

12.4.3 Acquisition Strategy (AS).

AS cooperative opportunities identified for or related to Milestone B and/or C must be spelled out in the AS Section 10 (International Involvement) demonstrating how such opportunities support program/project goals and objectives during Engineering and Manufacturing Development, and/or Production and Deployment.

12.4.4 OSD/DoD Components Sustained Interactions with Their Foreign Counterparts.

In addition to the above, cooperative opportunities often result from formal/informal technical or exploratory discussions/meetings/studies/technology maturation writings among DoD Components' scientists, engineers; lotisticians et al and their foreign counterparts, or, as a result of senior level meetings/discussions between OSD and DoD Component personnel and their foreign counterparts.

No matter how proposed cooperative opportunities are identified and adjudicated in the decision to develop an IC in AT&L MOU/MOA, PA, or E&MTA the identifiers and their managerial personnel should consult:

- Among themselves to determine if it is in their component's interest to explore the project with the foreign proposed partner(s); and then
- With potential foreign partners to determine the veracity of the proposal before determining and/or drafting a proposed MOU's, PA's or E&MTA's Summary Statement of Intent (SSOI).

12.4.5. Technical or Exploratory Discussions (TED).

The above should be followed by formal TED to determine if both sides have the material, funds and personnel wherewithal to forge the commitment necessary for a successful effort, while also determining the best vehicle (MOU/MOA , PA or E&MTA) for executing the proposed IC in AT&L project/program. Depending upon the nature of TED, a Delegation of Disclosure Authority Letter (DDL) may be required to discuss either Controlled Unclassified and/or Classified Military Information. If contractors will be involved in TED, they must ensure they have the necessary ITAR Exemptions, Licenses and/or Technical Assistance Agreements in order to participate in TED.

No commitments can be made or draft IAs tabled during the TED.

FALSE IMPRESSION: "U.S. policy is to avoid creating false impressions of its readiness to make available classified military materiel, technology, or information." National Disclosure Policy. The same applies to CUI as well.

A TED's checklist is a U.S. eyes-only document that serves as the framework and starting point for determining the veracity of the project/IA proposal and provides information for an SSOI should TED result in a decision to pursue the project. The TED checklist includes the following sections:

- Project Objectives
- Project Description
- Technology or Military Application Development

- AECA International Traffic in Arms Regulations Requirements
- Technology Security (ITAR) and Foreign Disclosure (National Disclosure Policy) Requirements
- Equitability of Contributions
- Assessment of Foreign Participant Interest/Commitment
- Cooperative Program/Project Personnel Requirements, if any
- Project Organization and Management Structure
- Transfer of Funds Requirements, if any
- Component's Points of Contact

12.4.6 Memorandum of Understanding/Agreement (MOU/MOA) vs. Project Agreement/Arrangement (PA) or E&MTA Decisions.

Once the technical concept has developed to a point where both sides have tentatively agreed on the requirements for and benefits of cooperation, the decision must be made whether the international agreement will be an MOU/MOA, PA or E&MTA. Acquisition personnel should contact their component international programs organization for assistance in determining which IA vehicle would be most appropriate.

An IC in AT&L International Agreement (IA) is normally pursued when one or more prospective foreign participants desire to form a partnership with the U.S. Government and:

- Share the cost and effort of research, development, test and evaluation of a defense article;
- Share the cost of investment cooperative production and/or logistics of a defense article.

The reason for using an IC in AT&L standalone MOU/MOA vice a PA or E&MTA is that the scope of work needed in a project/program does not fall within the scope of an existing umbrella MOU/MOA with the same participants. In general, the advantage in pursuing a PA or E&MTA under an umbrella MOU/MOA is that many complex terms and provisions established in the umbrella MOU/MOA do not have to be revisited in a PA or E&MTA. Proponents should consider carefully if their project fits under an existing umbrella MOU/MOA. The following Table 12-1 demonstrates what provisions are established in the umbrella MOU/MOA, leaving only the provisions in the right column for consideration in the negotiation of a PA or E&MTA.

Covered in Umbrella Agreement (MOU/MOA)⁶⁶	Covered in PA and E&MTAs
Objectives of Umbrella Agreement	Objectives of Particular Project
Scope of the Umbrella Agreement (6.1 Basic Research, 6.2 Applied Research, 6.3 Advanced Technology Development)	Scope of Particular Project
Management of Umbrella Agreement	Project Management of Particular Project
Disclosure and Use of Information	
Security Provisions	Cost Sharing of Particular Project
Cooperative Project Personnel (CPP) (full provisions)	CPP Assignment if any
Transfer of Project Equipment	Transfer of Equipment for Particular Project
Third Party Sales and Transfers	Sharing of Tasks for Particular Project
Liability	Contractual Arrangements for Particular Project
Customs Duties	Contributions and Financial Cost Ceilings of Particular Project
Dispute Settlement	
Amendment of Umbrella	
Duration of Umbrella	Duration of Particular Project
Termination of Umbrella	Termination of Particular Project

Table 12-1 Provisions covered in Umbrella Agreements vice PAs and E&MTAs

Next the DoD Component's International Programs' Office (IPO) and the potential MOU/MOA, PA or E&MTA Project Officer (PO) for implementing the agreement should conduct a series of preliminary functional assessments with the component's legal, foreign disclosure, and resource management personnel. These are not intended to be formal requests for information; rather, they are informal inquiries that should identify any potential obstacles to developing the agreement and help determine the appropriate type of an MOU/MOA, PA or E&MTA.

Based on the preliminary assessments, the IPO and PO will determine whether the concept for the agreement is still technically, programmatically and financially sound and decide whether to continue with the development using either an MOU/MOA, PA or E&MTA.

⁶⁶ NOTE: a standalone MOU/MOA includes everything found in an umbrella MOU/MOA which work under the MOU can be executed by its subordinate PAs, giving an MOU/MOA with PAs a broader scope of work than a standalone MOU/MOA.

After deciding to continue with development, the PO should also brief the concept to his/her chain of command, up to the Milestone Decision Authority (MDA). If this official concurs with the recommendation to continue, that MDA must be willing to commit sufficient personnel, funds and other resources for the international cooperative effort, keeping in mind that development can take over six months for PAs and over a year for MOUs (Longer for multinational IAs).

12.5 IA DOCUMENT FORMAT

The IA is intended to specify all of the conditions, criteria, responsibilities, and obligations participants need to fulfill in order to make the joint project succeed. Most standard IC in AT&L IAs have individual sections covering:

- | | |
|---------------------------------------|---|
| ▪ Objectives | ▪ Scope of Work |
| ▪ Management | ▪ Financial Provisions |
| ▪ Contracting Provisions | ▪ Disclosure and Use of Project Information |
| ▪ Controlled Unclassified Information | ▪ Visits |
| ▪ Security | ▪ Third Party Sales and Transfers |
| ▪ Liability and Claims | ▪ Customs, Duties and Taxes |
| ▪ Settlement of Disputes | ▪ Amendments, Termination, and Duration |

These sections of the IA can be divided into two categories -- those specifically written to describe the individual project and those relatively unchanged from project to project. For example, the latter includes the sections on security, customs, duties, and taxes, liabilities and claims, etc. It is DIR(IC) policy that IC in AT&L IAs must be developed using DoD IA Generator computer software. All deviations from IA Generator text must be justified and approved. For project-specific sections, the IA Generator provides guidance. The IA Generator also provides guidance and suggested text for standardized sections. The IA Generator is more completely described in Section 12.6. DoD negotiators should avoid using a foreign-nation provided initial draft MOU because the final draft must be DoD IA Generator compliant, and each deviation explained by the Component and approved by OSD.

12.6 REVIEW AND APPROVAL PROCESS

12.6.1 Streamlining I. Stages

For most IC in AT&L IAs, approval from OUSD(AT&L) must be obtained prior to the negotiation and conclusion of an IA. However, all AT&L-related international agreements may use the streamlined procedures in the Defense Acquisition Guidebook, Section 11.2.2. for review and approval rather than the procedures in DoD Directive 5530.3, International Agreements.

The process to obtain approval involves three stages: Request Authority to Develop the international agreement, Development and Negotiation, and Request for Final Approval to conclude the international agreement. Each stage is described below.

12.6.1.1 Request for Authority to Develop (RAD):

The IA sponsor engages in exploratory discussions and develops a concise Summary Statement of Intent (SSOI) to request authority to develop and negotiate the IA. The SSOI is the most important document prepared by the proponent; it provides the basis for approval of the request to begin negotiations. The SSOI must include sufficient information so that reviewing offices can make informed judgments as to whether the proposal should proceed. Planned deviations from the IA Generator text should be identified where known prior to negotiation. The SSOI format requires the following information be provided on the proposed IA:

- | | |
|---|-------------------------------|
| ▪ Short Title | ▪ Contracting |
| ▪ Partner Nation(s) | ▪ Deviations |
| ▪ Proponent | ▪ U.S. Industrial Base Impact |
| ▪ Description | ▪ Unusual Conditions |
| ▪ Fiscal | ▪ Negotiator |
| ▪ Legal Authority | ▪ Counsel |
| ▪ Technology Transfer/Disclosure Approval | |

The OSD-approved SSOI format and guidance for its use is provided in the IA Generator, and may also be obtained from your appropriate international programs organization. In most cases, the sponsoring DoD Component international program organization submits the SSOI to DIR(IC) for review and coordination with relevant OSD offices, as well as State and Commerce Departments, if required.

Organizations that do not have delegated authority (currently the three MILDEPS and MDA have such authority) may be required to provide a draft of the international agreement as

part of the RAD process. Coordination, under a silence procedure at this stage, should take no longer than 30 calendar days from receipt of the SSOI unless significant issues arise.

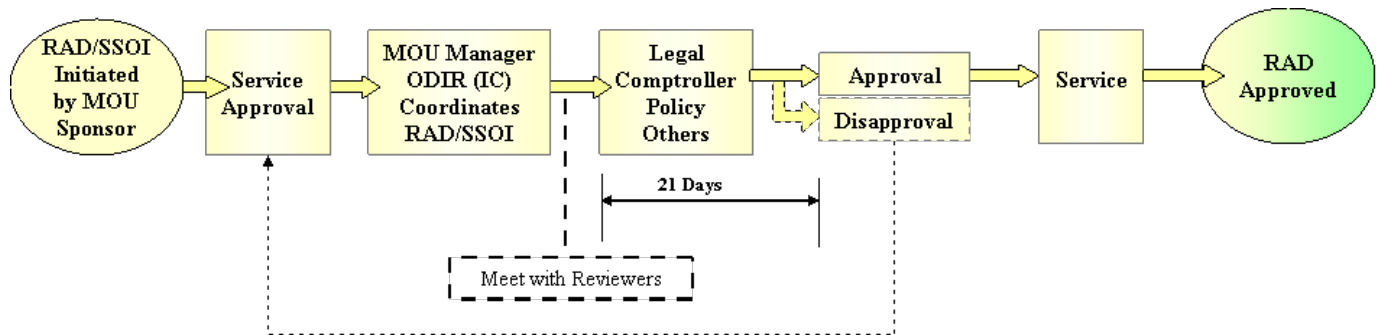


Figure 12-1: The RAD Stage of the IA Process

12.6.1.2 Development and Negotiation:

After RAD authority is granted, the IA proponent may provide draft U.S. IA text to the proposed partner nation(s). DoD IA Generator or PA or E&MTA template provided with the PA's or E&MTA's umbrella MOU/MOA is used as the point of departure for development of the draft IA. DoD functional representatives are kept informed of progress by the IA proponent, as required. Upon completion of negotiations (with a goal of no longer than nine months being DIR(IC) policy), the negotiated IA, plus the revised SSOI, is formally sent to DIR(IC) for final approval.

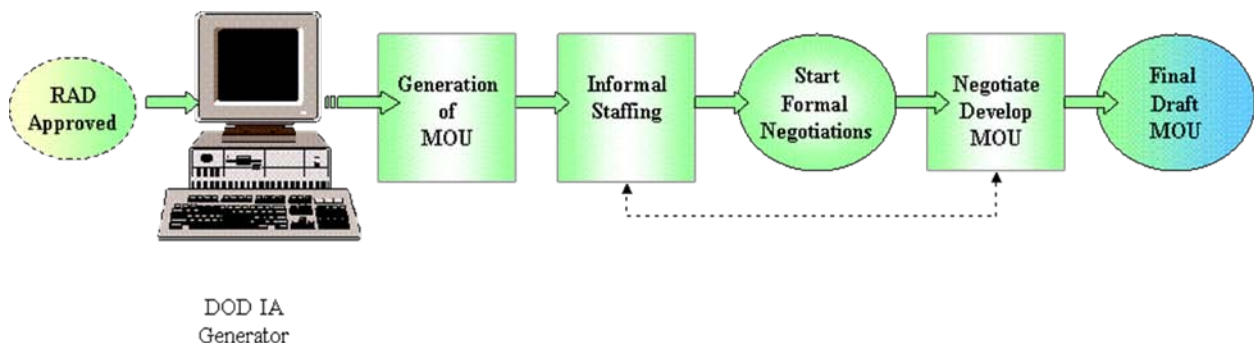


Figure 12-2: The Development and Negotiation Stage of the IA Process

12.6.1.3 Request for Final Approval to Conclude (sign) Agreement:

DIR(IC) is responsible for final review and coordination of armaments cooperation IAs, including coordination within the Department of Defense and with the Departments of State, Commerce, and Treasury, as appropriate. This stage should take no longer than 30 calendar days, not including any required Congressional notification period, unless significant issues arise. If Congressional notification is required under AECA Section 27 (Section 2767(f) of Title 22, United States Code), the IA proponent shall forward a project certification as part of the RFA package. The Section 27 process takes at least 60 days. As designated in the statute, the project certification must be numbered and contain:

PROJECT CERTIFICATION (Number: #####)

(Alpha-numeric Identifier and Title of the Cooperative Project)

- (1) Project Description.** A detailed description of the cooperative project with respect to which the certification is made;
- (2) Estimated Quantities.** An estimate of the quantity of the defense articles expected to be produced in furtherance of such cooperative project;
- (3) Estimated Cost.** An estimate of the full cost of the cooperative project, with an estimate of the part of the full cost to be incurred by the United States Government, including an estimate of the costs as a result of waivers of section 2761(e)(1)(A) and 2792(b) of Title 22 U.S.C., for its participation in such cooperative project and an estimate of that part of the full costs to be incurred by the other participants;
- (4) Financial Contributions for the Cooperative Effort.** An estimate of the dollar value of the funds to be contributed by the United States and each of the other participants on behalf of such cooperative project;



Agreement R&D Contributions

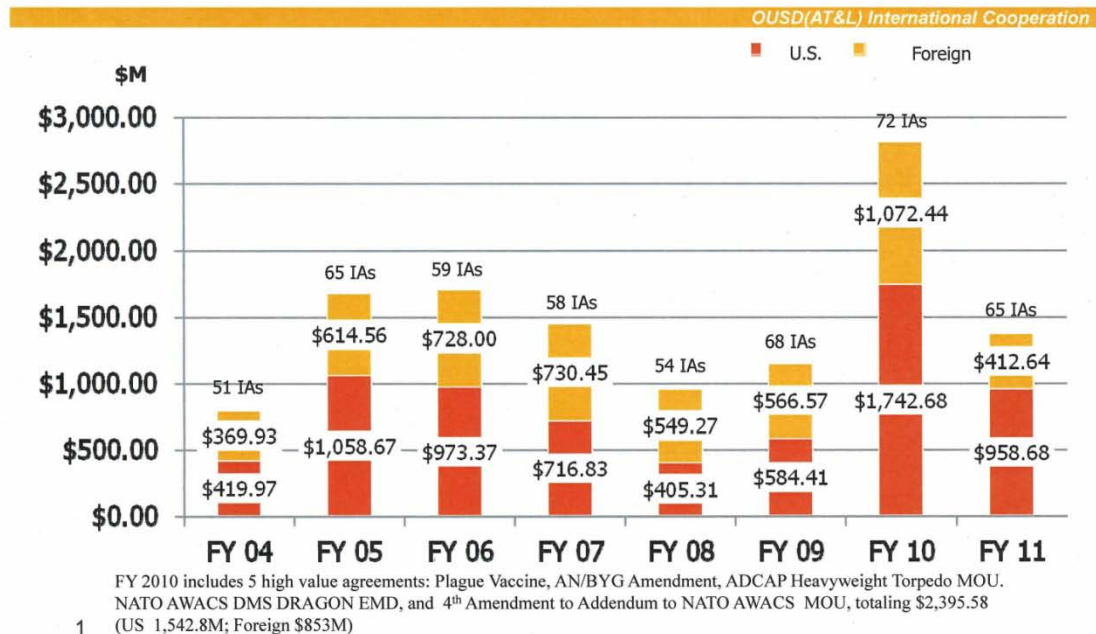


Figure 12-3 U.S. and Foreign Partners Financial Contributions to IC in AT&L

- (5) **Defense Articles and Services Contributions.** A description of the defense articles and defense services expected to be contributed by the United States and each of the other participants on behalf of such cooperative project;
- (6) **Policy and National Security Benefits.** A statement of the foreign policy and national security benefits anticipated to be derived from such cooperative project; and
- (7) **Prime Contractors and Subcontractors.** To the extent known, whether it is likely that prime contracts will be awarded to particular prime contractors or that subcontracts will be awarded to particular subcontractors to comply with the proposed agreement.

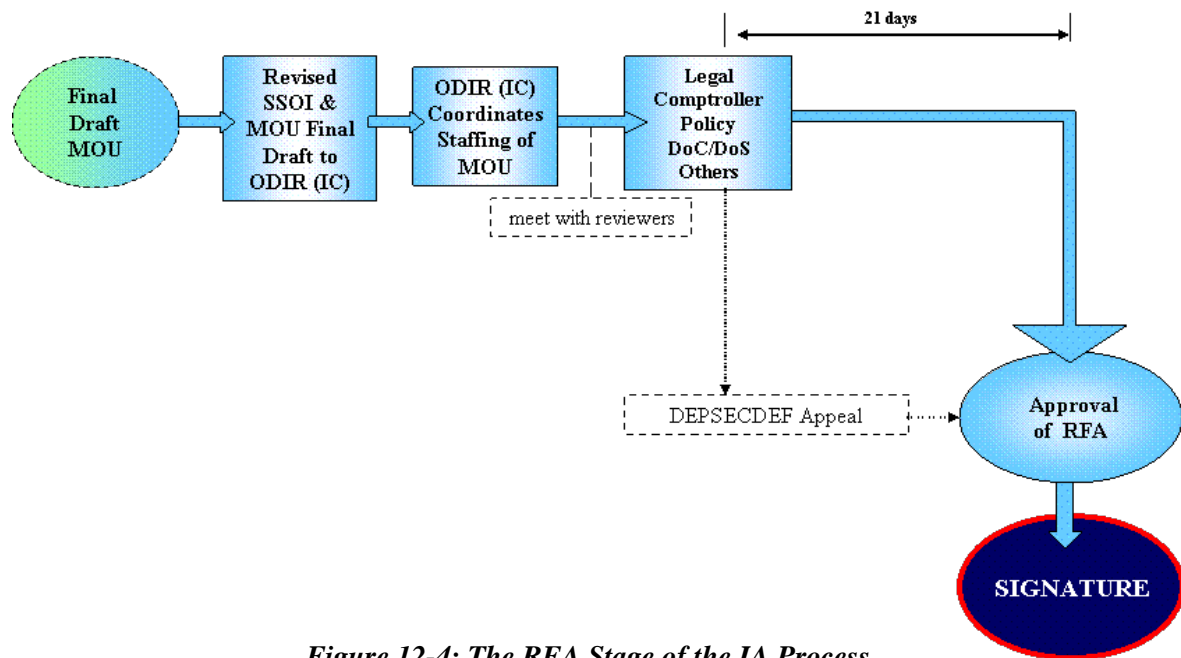


Figure 12-4: The RFA Stage of the IA Process

12.6.2 Streamlining I. Process

DoD's MOU Streamlining I is based on timely coordination of the RAD/RFA documents. It includes the use of "silence" procedures, the use of organizational points of contact (POCs) to manage the processing of agreements, transmittal of unclassified documentation by electronic mail (classified documents by classified electronic mail and computer diskette) and use, wherever possible, of the standard IA Generator text. Exceptions to or deviations from standard IA Generator text should be highlighted and explained for ease of review. Adherence to these procedures is critical to meeting the target dates for processing and approving IAs.

Office of the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L))/International Cooperation (IC) uses the following Streamlining I process unless it has delegated coordination authority to the DoD Component:

- **Request for Authority to Develop and Negotiate (RAD) Memorandum of Understanding (MOUs) and Memorandum of Agreements (MOAs).** The DoD Component prepares the RAD and obtains OUSD(AT&L)/IC approval prior to initiating MOU or MOA negotiations. If applicable, the DoD Component develops and submits Coalition Warfare

Program (CWP) funding requests associated with the RAD, in accordance with the CWP Management Plan. OUSD(AT&L)/IC conducts DoD and interagency coordination, as appropriate, using a standard review period of 21 working days, which may expedited at OUSD(AT&L)/IC's discretion.

- **RAD Program Authorizations PAs and E&MTAs.** Unless OUSD(AT&L)/IC delegates PA and E&MTA negotiation authority, the DoD Component prepares a RAD and obtains OUSD(AT&L)/IC approval prior to initiating PA or E&MTA negotiations.

OUSD(AT&L)/IC conducts interagency coordination, as appropriate, using a standard review period of 15 working days, which may be expedited at OUSD(AT&L)/IC's discretion.

- **Negotiation.** Generally, within 9 months of receipt of RAD authority, the DoD Component negotiates the international agreement in accordance with the provisions of the most recent version of DoD International Agreement Generator.

- **Request for Final Approval to Conclude (RFA) MOUs and MOAs.** The DoD Component prepares and forwards the RFA and obtains OUSD(AT&L)/IC approval prior to signing the MOU or MOA. RFAs for agreements relying upon [Arms Export Control Act \(AECA\) Section 27](#) as the legal authority will also include a Project Certification.

OUSD(AT&L)/IC conducts interagency coordination, as appropriate, based upon a standard review period of 21 working days, which may be expedited at OUSD(AT&L)/IC's discretion followed by coordination with the Department of State for 21 work days. OUSD(AT&L)/IC provides Congress with any required AECA Section 27 notifications which again is a 30 calendar day notification period.

- **RFA PAs and E&MTAs.** The DoD Component submits RFAs notifying OUSD(AT&L)/IC of its intention to sign PAs and E&MTAs prior to concluding such agreements. AT&L/IC conducts interagency coordination, as appropriate, based upon a review period of 15 working days, which may be expedited at OUSD(AT&L)/IC's discretion. OUSD(AT&L)/IC provides Congress with any required AECA Section 27 notifications for another 21 days.

12.6.2.3 Streamlining I Rating Standards and Evaluation Scheme

ODIR, IC will rate all Streamlining I international agreement submissions based on the following net assessment of the general areas of quality assessment using the following rating

standards and evaluation scheme. DoD Components must exercise due diligence or risk:

- 1 — Agreement failing to meet minimum standards and not being acceptable, or agreement and/or documentation being incomplete.
- 2 — Agreement and/or supporting documentation being of marginal quality, and returned for improvement.
- 3 — Agreement and/or supporting documentation being marginally acceptable.

If above, DoD Components must strive for improvement (better grade) on subsequent submissions to ensure:

- 4 — Agreement and/or supporting documentation is acceptable, and is of good quality.
- 5 — Agreement and/or supporting documentation is acceptable, and is flawless, or nearly so.

For less complex agreements, e.g. PAs or E&MTAs with equal contributions by the partners, ODIR (IC) may consider a net rating of 3 as acceptable, but 4 or 5 would be desirable. For agreements involving asymmetrical (i.e., non-equal share) contributions and benefits, as well as complex system development, production and/or support agreements, ODIR, IC would normally consider a net rating of 4 as acceptable, but in some cases would require a net rating of 5 for high value or precedent-setting agreements. For Streamlining I agreements, if a package submission is found unacceptable by ODIR, IC, it will be rated again upon subsequent resubmission(s). Incomplete submissions will be rated by ODIR, IC as 1, and re-rated upon receiving a completed package.

12.6.3 Streamlining II Procedures, Stages and Process

Streamlining II procedures are found in the *Defense Acquisition Guidebook*. Streamlining II follows the DoDD 5000.01 policy of streamlined and effective management, as it decentralizes responsibility for IAs to the maximum extent practicable. Streamlining of IA procedures also supports the policies associated with international cooperation and interoperability. Under the provisions of Streamlining II, the Director, International Cooperation delegated authority to the Assistant Secretary of the Navy (Research, Development & Acquisition) for RDT&E International Agreements (MOUs/MOAs) for ACAT II and ACAT III programs, as well as Pre-ACAT Technology Projects having a total program cost of less than \$25

million. Further delegation to the Deputy Assistant Secretary of the Navy (International Programs) was granted for Pre-ACAT Technology Projects having a total program cost of less than \$10 million. To date, only the Navy has been delegated full Streamlining II authority; however, Director, Operational Test and Evaluation has limited Streamlining II authority for only Reciprocal Use of Test Facilities (RUTF) Project Agreements.

12.6.3.1 Key Concepts of Streamlining II Stages and Process

Office of the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L))/International Cooperation (IC) may delegate approval authority for the Request for Authority to Develop and Negotiate/Request for Final Approval (RAD/RFA) for all international agreements associated with programs with a total program value of less than \$25M (in FY01 constant dollars) and for Acquisition Category II and Acquisition Category III programs to the DoD Component Acquisition Executive. The DoD Component Acquisition Executive may subsequently re-delegate RAD/RFA authority for programs with a total program value of less than \$10M (in FY01 constant dollars) and Acquisition Category III programs to the Head of the DoD Component's international programs organization. The following process will apply:

- The DoD Components will obtain the concurrence of their legal, financial management, and foreign disclosure organizations prior to approving RADs/RFAs.
- The DoD Components will forward coordination disputes to OUSD(AT&L)/IC for resolution.
- The DoD Components will send Notices of Intent to Negotiate (NINs) or Notices of Intent to Conclude (NICs) to OUSD(AT&L)/IC for all approved RADs and RFAs. NINs will include the DoD Component's approval document and program SSOI. NICs will also include the final international agreement text to be signed, plus an [Arms Export Control Act Section 27](#) Project Certification, if required. The DoD Components will not sign international agreements until a 15-working-day period (for PAs and Loans) or 21-working-day period (for Memoranda of Understanding) after AT&L/IC receipt of the NIC has elapsed and any required [10 U.S.C. 2350a](#) approval or AECA Section 27 Congressional notification process has been completed.

- OUSD(AT&L/IC) may, at its discretion, decide to waive these rules on a case-by-case basis and require that certain agreements receive specific OUSD(AT&L/IC) approval before conclusion.

- OUSD(AT&L/IC) will use NINs, NICs and other relevant information to verify DoD Component international agreement process quality.

- Generally, within 9 months of receipt of RAD authority, DoD Component personnel will negotiate the international agreement in accordance with the provisions of the most recent version of DoD International Agreement Generator.

12.6.3.2 Streamlining II General Areas of Quality Assessment

As a necessary aspect of Streamlining II, quality assurance guidelines were developed. These are guidelines for assessing the quality of international agreements submitted under the new Streamlining II process. There are four general areas of quality assessment, which are listed in priority order:

- 1) The business case for the project is sound.
 - a. Executable – Project cost, schedule and performance goals are attainable.
 - b. Equitable – Project costs and benefits sharing meet statutory equitability standards.
 - c. Cost Effective – Project will result in net benefits to the U.S. due to the international effort, e.g., Better Buying Power.
 - d. The international agreement is supported by applicable components in the DoD Component, OSD and the partner nation(s).
- 2) The international agreement is technically sufficient.
 - a. Consistency – agreement sections are consistent and do not contradict nor conflict with one another.
 - b. Conformance – agreement conforms to current version of IA Generator and agrees with the SSOI. Substantive exceptions to IA Generator are clearly identified and the rationale apparent.
 - c. Complexity – agreement complexity is appropriate for the size of the program. The agreement includes those terms and conditions necessary to adequately address all the salient factors (e.g. sufficiently detailed scope of work, project equipment section, etc.) for the particular project.

- 3) The international agreement is submitted with appropriate lead time and complete documentation for OSD staffing.
 - a. Timeliness – sufficient lead time allowed for OSD staffing and notifications prior to signature.
 - b. Completeness – all necessary supporting documents are provided with submission.
 - c. For the NIN: SSOI and component's approval document.
 - d. For the NIC: Negotiated IA, revised SSOI, component's approval document, and 2350a Executive Summary and/or AECA Section 27 Certification, as applicable.
 - e. Coordinated – The DoD Component review is rigorous and apparent. Coordination is complete with no outstanding unresolved issues.
- 4) The international agreement and supporting documentation are well written.
 - a. Documentation is clear, concise and coherent.
 - b. Spelling errors do not appear.
 - c. Grammatical errors do not appear.

12.6.3.3 Anticipated Results

There are three results anticipated from the implementation of Streamlining II:

1. Significantly reduced total OSD staffing time.
2. Assurance of agreement quality pushed down to the component level (away from the reviewer level).
3. MILDEPs encouraged to streamline their processes.

Streamlining I and II Comparison

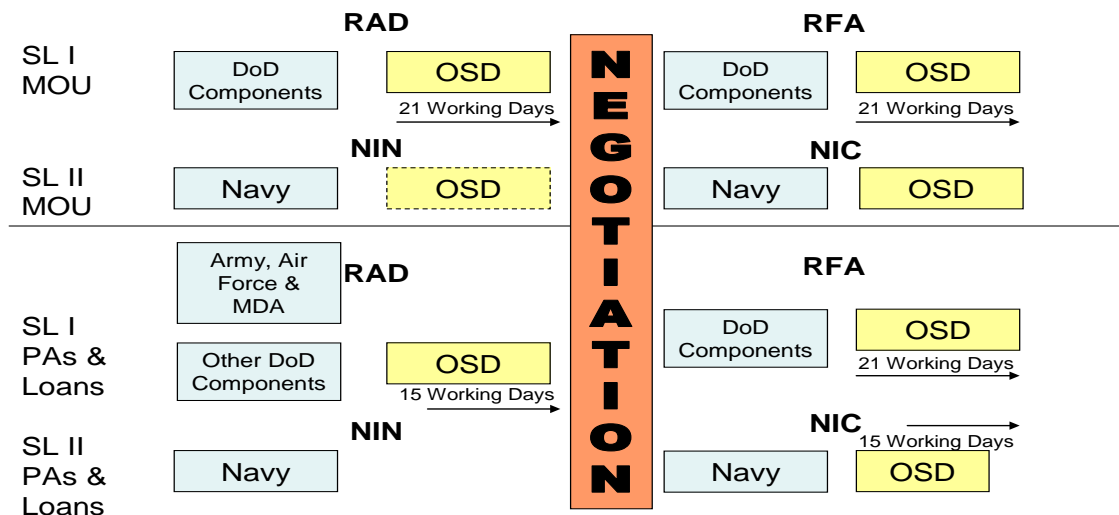


Figure 12-5: Comparison between Streamlining I and II Staffing Processes

12.7 USE OF THE IA GENERATOR

To assist DoD acquisition personnel in developing armaments cooperation IAs, DoD has created the IA Generator. IA Generator is a menu-driven software program that has all standard IA provisions plus “fill in the blank” formats for program-specific IA sections. It includes the most current language and standard provisions approved by international program specialists and DoD Component international program organizations. It is designed to assist the IA proponent in quickly developing draft agreements that conform with relevant U.S. law and U.S. Government regulations and policies, as well as the generally accepted IA formats and norms used by foreign nations. There are three main structural components in the software:

- Standard and alternative text for each agreement type
- Development and negotiation instructions associated with each Article/Section
- Relevant DoD policy guidance associated with various Articles/Sections

Whereas the first two components must be reviewed and used concurrently, the last component may be used separately as a stand-alone feature. This helps DoD acquisition personnel gain a better understanding of the relevant DoD policies and directives associated with

armaments cooperation IAs. Contact your responsible international programs organization or DIR(IC) for further information on how to obtain and use the DoD IA Generator.

12.8 SUMMARY

Effective planning and negotiation of a proposed IA usually leads to timely IA signature and efficient program implementation. With the advent of the IA Generator, developing an IA has become a simpler task, although close attention must be paid by the proponent to ensure that policy and statutory requirements are met at every stage of the process. The international programs organizations of each DoD Component possess unique expertise to offer acquisition personnel in the development, negotiation, and conclusion of an IA, and should be contacted as early as possible, before formally initiating the IA process. Experience has shown that a closely coordinated “team” effort between the IA proponent and their international programs organization is the best way to ensure timely and efficient formulation, development, negotiation, signature, and implementation of the desired IA.

12.9 REFERENCES

1. [Title 1 U.S.C. Section 112b](#), *The Case Act*.
2. [Title 10 U.S.C. Section 2531](#), *Defense memoranda of understanding and related agreements*.
3. [Title 10 U.S.C. Section 2532](#), *Offset policy; notification*.
4. [Title 22 U.S.C. Section 2767](#), *Arms Export Control Act: Authority of President to enter into cooperative projects with friendly foreign countries*.
5. [DoD Directive 5530.3](#), *International Agreements*, 11 June 1987, *Certified Current as of November 21, 2003, Incorporating Change 1, February 18, 1991*
6. [Defense Acquisition Guidebook](#), updated monthly.
7. DoD IA Generator Computer Software (Limited Distribution)
8. [DoD Instruction 5000.02](#), *Operation of the Defense Acquisition System*, December 8, 2008.
9. *Statement of Principles OUSD(AT&L) and USC(BIS)*, January 5, 2005.

CHAPTER 13: IC IN AT&L INFORMATION EXCHANGE PROGRAM (IEP)

13.1 INTRODUCTION

Since the 1950s, DoD Components have collaborated with the defense components of allied and friendly nations to exchange scientific and technical (S&T) information in areas of mutual interest. Such information exchange is the least complex of formal armaments cooperation activities. It takes place in three ways:

- Through case-by-case (“one-time”) releases of information.
- Through the Defense Research, Development, Test and Evaluation (RDT&E) Information Exchange Program (IEP) with its specific IEP agreements and associated annexes.
- Through certain International Agreements (IAs) not covered under the IEP.

While S&T information can be exchanged between the U.S. and a foreign nation using a case-by-case release, such exchanges are cumbersome and may lack adequate legal protection for the information exchanged, particularly in the area of intellectual property rights. These releases of information must undergo a case-by-case review and approval by the cognizant foreign disclosure and international programs organizations (IPO), among others. Consult with your DoD Component’s IPO or the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, Director, International Cooperation (OUSD(AT&L)/DIR (IC)) regarding case-by-case information releases.

The Defense RDT&E IEP is the prime means for and is commonly (but improperly) used to describe the sum of all DoD RDT&E information exchange taking place under bilateral and multilateral IAs. Under this program, the U.S. and allied or friendly nations conduct RDT&E information exchange through IEP annexes to IEP agreements. These IEP agreements have been called Master Information Exchange Agreements (MIEA), Master Data Exchange Agreements (MDEAs), or simply Master Agreements, and frequently the terms are used interchangeably.

As noted, in some circumstances RDT&E information exchange is also authorized under other umbrella RDT&E IAs as well as program agreements such as the MOU that governs The

Technical Cooperation Program (TTCP) (Chapter 11). Under certain umbrella IAs, such as RDT&E Program (formerly Technology Research & Development Program) and Test and Evaluation Program Agreements, the exchange of RDT&E information is often allowed as a mechanism for the participants to determine which Project Arrangements/Agreements/Annexes (PAs) to develop and conclude. Under a program IA such as TTCP, information exchange is allowed to coordinate and harmonize selected national RDT&E efforts, as well as to determine which PAs and cooperative RDT&E loans to develop and conclude.

Such information exchange helps either to avoid or harmonize duplicative RDT&E investments. It also assists in accomplishing the foremost goal of armaments cooperation, that is, multinational interoperability and standardization.

13.2 LEGAL AND POLICY Basis

13.2.1. Legal Basis. The Department of Defense relies upon the general authority of the Department and the DoD Components to conduct research and development (R&D) activities contained in Section 2358 of Title 10, United States Code, as the legal basis for establishment of IEP agreements and associated annexes.

13.2.2 Policy Basis The following Instruction and Directives govern the IEP:

- DoD Instruction 2015.4, Defense Research, Development, Test and Evaluation (RDT&E) Information Exchange Program (IEP):
 - Establishes DoD policies and procedures for IEP management by DoD Components,
 - Delegates IEP annex development, coordination, negotiation and conclusion authority to the MILDEPs. Other DoD Components do not have delegated authority.
 - Changed the title of the DoD's information exchange program from the Defense Data Exchange Program (DDEP), the Defense Development Exchange Program, and the Mutual Weapons Development Data Exchange Program to the Defense Research, Development, Test and Evaluation (RDT&E) Information Exchange Program (IEP).

- DoD Directive 5230.11, Disclosure of Classified Military Information to Foreign Governments and International Organizations, establishes policy, responsibilities, and procedures governing proposed disclosures of classified military information to foreign governments.
- DoD Directive 5230.20, Visits and Assignments of Foreign Nationals, establishes policy and responsibilities governing visits and assignments, including exchanges, of foreign nationals to the DoD Components and certain contractor facilities.
- DoD Directive 5530.3, International Agreements, assigns responsibility for controlling the negotiation and the conclusion of international agreements with foreign governments and international organizations by authorized DoD Component personnel. As noted in Chapter 7, DoD Directive 5530.3, DoD Instruction 5000.02 and the *Defense Acquisition Guidebook* provide policy and/or procedural guidance regarding the development, negotiation and conclusion of international agreements.

In addition, each MILDEP has issued amplifying policy regarding IEP management.

13.3 DEFINITIONS

The following definitions describe key terms used under the Information Exchange Program. They are listed in the order that they should be read, not alphabetically.

Information (includes data)

1. Information: Knowledge obtained in any manner by observation, investigation, or study and the ideas inferred, regardless of form or type, including but not limited to, that of a scientific, technical, business, financial or programmatic nature, and also including photographs, reports, manuals, threat data, experimental data, test data, designs, specifications, processes, techniques, drawings, technical writings, sound recordings, magnetic media, pictorial representations and other graphical presentations, whether on magnetic tape or disk, computer memory or any other form, and

whether or not subject to copyright, patent, or other legal protection.

2. “Data: 1. Factual information (as measurements or statistics) used as a basis for reasoning, discussion, or calculation. 2. Information in numerical form that can be digitally transmitted or processed.”

In *Merriam-Webster Online Dictionary*. Retrieved February 14, 2012, from <http://www.merriam-webster.com/dictionary/>

Information Exchange Program (IEP) agreement

A bilateral or multilateral international agreement [also known as a Master Data Exchange Agreement (MDEA), Master Information Exchange Agreement (MIEA) or Master Agreement] entered into under the IEP established by DoD Instruction 2015.4 between the Department of Defense or a DoD Component, and one or more foreign governmental entities, for the exchange of RDT&E information.

Information Exchange Program (IEP) annex

An annex [also known as a Data Exchange Annex (DEA), Information Exchange Annex (IEA) and in the case of Ukraine, Exchange of Information Document (EID)] to an IEP agreement that identifies specific, potential information exchange opportunities on which the Department of Defense or a DoD Component, and one or more foreign governmental entities, may wish to exchange RDT&E information. An IEP annex is not an international agreement.

Delegation of Disclosure Authority Letter (DDL)

“A letter issued by the appropriate designated disclosure authority explaining classification levels, categories, scope, and limitations of information under a DoD Component's disclosure jurisdiction that may be disclosed to a foreign recipient. It is used to delegate disclosure authority to subordinate disclosure authorities.” DoDD 5230.11, Section E2.1.4

The DDL authorizes TPOs, in coordination with and approval of the Designated Disclosure Authority (DDA), designated in the DDL, to disclose selected information under an IEP annex. It also specifies the

disclosure procedures the U.S. TPO and DDA must follow when disclosing and/or releasing information under the annex. As these DDLs are U.S.-only documents normally issued by a DoD Component's foreign disclosure organization, they specify the scope of information that can be released by the TPO to the counterpart TPO, as well as information that cannot be released.

Technical Data

Any information regarding RDT&E to include scientific, technical, performance, business, contractual, administrative, financial information, software and source code, -- whatever the form or type.

IEP annex Authorities

Those individuals listed or noted either in the:

- IEP agreement – the National Annex Authority [NAA], NAA representatives, (or in older agreements the Project Officer [PO]), or
- IEP annex – the Technical Project Officer [TPO] and Associate TPOs [ATPOs].

NAA and/or NAA reps (POs) manage the bilateral or multilateral IEP; TPOs and ATPOs administer each bilateral or multilateral IEP annex. NAA and/or NAA reps (POs) execute annual IEP reviews. Each IEP annex TPO approves and effects each IEP annex information exchange or visit after such exchange or visit is certified by the annex's Designated Disclosure Authority (DDA). ATPOs recommend for approval by the TPO information exchanges or visits. Each exchange and visit must be certified and approved prior to the actual transfer or visit.

Technical Project Officer (TPO)

An individual with a specialized knowledge of a particular subject, who is designated to control and administer an IEP annex. This individual is formally appointed by the appropriate DoD Component international programs organization (IPO) and is the single point of contact for implementation of information exchanges and approval of

visits under an annex and is the only individual authorized to make exchanges under such an annex.

Associate TPO

An individual nominated and assigned by the TPO to assist the TPO in executing exchanges and visits under annexes. Nomination, assignment and selection will be performed by the TPO with information copies of all correspondence, including a technical resume of the ATPO, provided to the Military Department's (MILDEP's) IPO.

Designated Disclosure Authority (DDA)

"An official, at subordinate component level, designated at the Head of a DoD Component or the Component's Principal Disclosure Authority to control disclosures of classified military information by his or her organization." DoDD 5230.11, Section E2.1.5.

Often the Component will also assign the DDA to certify the disclosure of Controlled Unclassified Information (CUI).

IEP annex Establishments

Establishments are a listing of those commands or organizations that are potential sources or recipients of information exchanged under the annex. The annex Establishment listing may include several DoD organizations and may even list government entities outside of the U.S. Department of Defense or partner nation, if authorized by the IEP agreement and pertinent annex(es). Neither U.S. nor foreign contractors, including 'special status' contractors such as Federally Funded Research and Development Centers or foreign equivalents, may be listed as Establishments. However, U.S. and foreign contractors, including 'special status' contractors, may participate in annex-related meetings or other interchanges based on mutual agreement between the U.S. Department of Defense and partner nation(s). Establishments do not have the authority to disclose or transfer information under the IEP annex.

13.4 IEP PRINCIPLES AND OBJECTIVES

The benefit of the IEP and from the RDT&E information obtained via IEP annexes are:

- To see different ways of approaching a similar technical challenge (possibly as a result of different engineering cultures).
- To identify and/or reveal technical approaches that either do or do not provide good results, and to avoid the cost of duplicating RDT&E.
- To expand the RDT&E information base.
- To promote cooperative R&D through the exchange of RDT&E information.
- To establish and/or nurture relationships between the technical communities of the U.S. Government (USG) and the technical communities of other nations (for future acquisitions and promoting broader defense relationships).
- To be aware of developments outside the United States in defense and defense-related RDT&E (for future acquisitions).
- To learn what other nations are developing (for acquisition and broader defense planning activities).
- To impart to partner nations the U.S. vision of the potential impact of information exchanges on various defense equipment programs (for acquisition and broader defense planning activities).

13.5 INFORMATION EXCHANGE PROGRAM (IEP) AGREEMENTS

The U.S. participates in the IEP through bilateral and multilateral IEP agreements with allied and friendly nations. An IEP agreement is the IA between the Department of Defense or DoD Component and foreign governmental entities that establishes a framework for the exchange of RDT&E information. It does not establish information exchange details; instead, it authorizes creation of separate annexes for specific information exchange projects. The IEP agreement establishes the basic terms and conditions that IEP annex Authorities, and IEP annex Establishments must comply with when implementing an annex. For example, the IEP agreement will specify security procedures, the highest classification allowed for the information exchanges, IEP management structure, information use rights (including Third Party Transfer), the process for clearance of visitors, and methods for resolving disputes. Consequently, DoD Components do not include such terms and conditions when they develop and conclude

individual IEP annexes; they need only to define the technical scope and determine the highest classification of the information to be exchanged for each annex. They must also use the appropriate annex format; Component IPOs and OUSD(AT&L)/DIR, IC have IEP annex templates on file. IEP agreements concluded since the late 1980's include a model or template IEP annex.

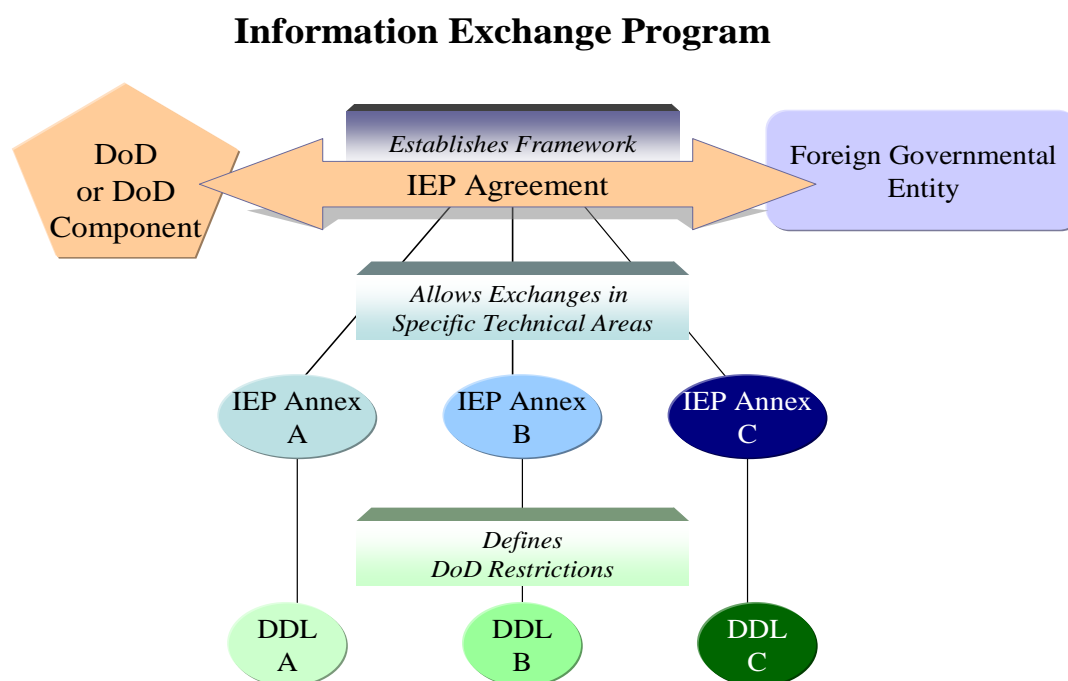


Figure 13-1: Information Exchange Program

As noted above, IEP agreements and amendments to them must be negotiated and concluded in accordance with DoD Directive 5530.3, and other relevant DoD policy described in Chapter 12.

13.6 INFORMATION EXCHANGE PROGRAM (IEP) ANNEXES

IEP agreements use IEP annexes to establish defined information exchange relationships

between the Department of Defense and foreign governmental entities in specific RDT&E subject areas. Annexes are the best information exchange mechanism because they provide adequate legal protection for the information while facilitating the exchange of the information. Even though IEP annexes information exchanges require foreign disclosure certification, they simplify and accelerate the exchange process by authorizing field-level scientists and engineers to serve as TPOs. TPOs have the authority to manage information exchanges within the scope of the annex.

As noted above, the implementation and approval of individual annexes has been delegated to the MILDEPs. There is no limit to the number of IEP annexes that an IEP agreement may have. Each DoD Component maintains records of its IEP annexes, and reports the number of its annexes annually to OUSD(AT&L)/DIR, IC. Annexes are considered DoD resources and their cross-coordination and potential use by other DoD Components is encouraged.

IEP participants must always remember, however, that annexes are mechanisms specifically limited to exchange of RDT&E information; they may not be used to transfer the following:

- Material.
- Equipment/materiel.
- Technical data packages.
- Production information.
- Manufacturing information.
- Price and availability information on U.S. production and/or operational systems.
- Money.

Furthermore annexes are not the appropriate vehicle to:

- Establish personnel exchanges.
- Provide or exchange technical services.
- Perform cooperative RDT&E, which formally commits the participants to fund specific RDT&E shared work. (Chapter 12.)
- Be cited as authority to place contracts.

- Exchange proprietary information unless explicit permission has been obtained from the owner and appropriate foreign disclosure and export control mechanisms are observed.
- Approve export licenses.
- Initiate Foreign Military Sales (FMS) activities.
- Exchange operational data.
- Exchange intelligence data.
- Provide training.
- Assume responsibility for performing any tasks or work on behalf of the other partner.

The above activities must be arranged through appropriate IAs, licenses, FMS cases, or contracts, and must be in compliance with applicable U.S. laws and policies described in this handbook, the Defense Security Cooperation Agency's Security Assistance Management Manual (SAMM), the Federal Acquisition Regulation (FAR), Defense FAR Supplement (DFARS), etc.

Annexes may involve participation by several DoD organizations and may include a listing of government entities outside of the U.S. Department of Defense or partner nation's defense establishment, if authorized by the IEP agreement and pertinent annex(es). However, neither U.S. nor foreign contractors, including 'special status' contractors such as Federally Funded Research and Development Centers or foreign equivalents, may be listed as IEP annex Establishments. Nevertheless, U.S. and foreign contractors, including 'special status' contractors, may participate in annex-related meetings or other interchanges based on mutual agreement between the U.S. Department of Defense and partner nation(s).

Any meetings, discussions, visits or proposed information exchanges which will involve commercial or university contractors are subject to the following:

- TPO approval, which must be granted in accordance with DoD Component regulations or policies for contractor transfer of U.S. government-generated information to foreign partner representatives on the U.S. Department of Defense's behalf.

- Contractor compliance with the provisions of the Department of State, International Traffic in Arms Regulations (ITAR) prior to the transfer of any commercial or university contractor generated export controlled information to foreign partner representatives.
- Contractor compliance with the provisions of the Export Administration Regulations (EAR) for information on the Department of Commerce's Commerce Control List (commodities, software and technology) prior to transfer of any commercial or university contractor generated export controlled information to foreign partner representatives.
- Contractor generated RDT&E information exchanged under IEP annexes may be transferred by the U.S. TPO to the foreign TPO subject to:
- Compliance with any disclosure and intellectual property rights restrictions established by the owner of the information. Close coordination is requisite.
- Compliance with any DoD Component regulations or policies concerning approval for transfer of export controlled information.

As a result, each annex is supported by a corresponding Delegation of Disclosure Authority Letter (DDL) that provides foreign disclosure guidance and may give direction regarding export controlled information. Adherence by IEP annex Authorities and Establishments to DDL foreign disclosure guidance and any export control direction is mandatory. In the event of a perceived conflict between the DDL and the IEP agreement or annex, the DDL takes precedence with regard to the scope and type of U.S. classified or controlled unclassified information proposed for exchange. Classified information may be exchanged under annexes provided that the IEP agreement and annex specifically authorize such exchange, concomitant with the associated DDL. The DDL will describe the type, scope and classification of the information to be exchanged. Such information will be exchanged only on a need-to-know basis and with the approval of the originating office.

Close coordination between the U.S. and foreign TPOs, as well as effective communication between the TPO, other Authorities, and Establishments, is strongly recommended since annexes managed in this way generally result in high quality information exchange of mutual benefit.

DoD Components retain significant latitude regarding methods used to assess IEP annex and IEP agreement equitability. U.S. law does not permit the use of IEP annexes as a vehicle for “technological foreign aid.” Yet the effectiveness of IEP annexes and IEP agreements is often dependent on DoD regional and country security cooperation goals and objectives. The result is that TPOs strive to establish and maintain reciprocal and equitable exchanges under their annexes, -- the preferred method for measuring equitability. Nevertheless, there are situations where the “net assessment” of all IEP annexes under a given IEP agreement may be the more appropriate method by which to measure equitability.

13.7 ESTABLISHMENT AND MANAGEMENT OF INFORMATION EXCHANGE PROGRAM (IEP) ANNEXES

Each DoD Component has specific procedures for developing, coordinating, negotiating, concluding and managing annexes, but all are in accordance with this management framework.

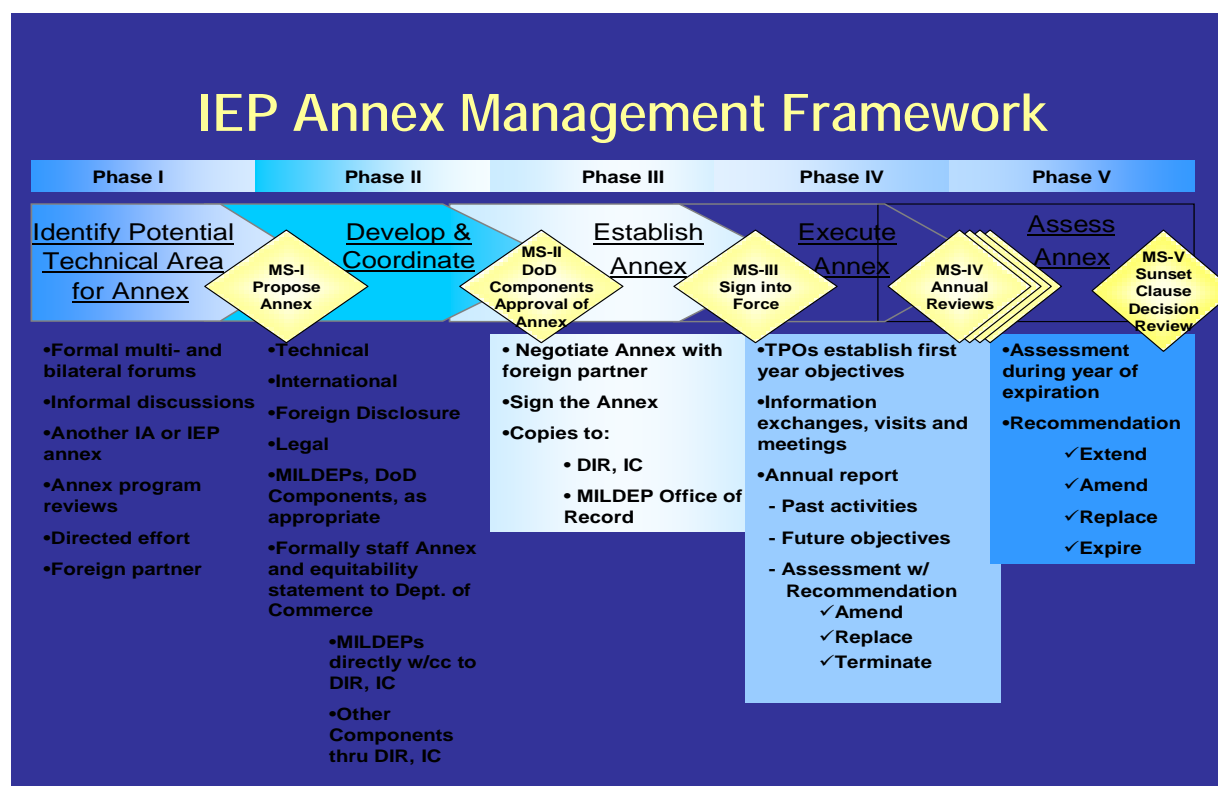


Figure 13-2: IEP Annex Management Framework

13.7.1 Phase I: Identifying a Potential Technical Area for an IEP annex

Identifying technical areas for potential IEP annexes usually takes place in one of these ways:

- Formal multilateral and bilateral RDT&E forums, meetings and working groups, or informal discussions at such forums, meetings and working groups.
- Information exchanged under another IA or IEP annex.
- Draft IEP annex presented by the foreign partner.
- Directed effort resulting from NAA, NAA-representative (PO in older IEP agreements) or other high-level DoD or DoD Component meetings.

Generally speaking, once the prospective U.S. and foreign TPOs agree on the technical area for a potential IEP annex, the IEP annex Milestone I decision is made.

Milestone I Propose the IEP annex

Following the exploration of the potential technical area of the new IEP annex, the DoD Component head of the IPO or designee directs that the development and coordination of the IEP annex commence.

13.7.2 Phase II: Develop and Coordinate the IEP annex

Once the U.S. and foreign TPO designates agree upon the annex's project description or scope, the appropriate technical, international, foreign disclosure and legal organizations develop the IEP annex package. The IEP annex package consists of:

- The IEP annex.
- The Delegation of Disclosure Authority Letter (DDL).
- A DoD Component Equitability Statement.

DoD Component IPOs coordinate the proposed annex with all interested parties within the Component, and with other DoD Component IPOs. The latter step serves to guard against duplication of annexes, protects against the accidental disclosure of information by one Component that another Component wants restricted, and promotes wider DoD participation in annex exchanges through creation of additional Establishments and Authorities, if appropriate. The annex and DDL also undergo a final review by the Foreign Disclosure Policy Office of the responsible DoD Component(s).

IEP annexes must also be coordinated with the Department of Commerce (DOC). DOC is charged with protecting U.S. industry and the U.S. industrial base. As a result, DOC reviews IEP annexes with regard to:

- Trade Considerations, that is, the potential application of the technology by the partner nation and its impact on the U.S. industrial base.
- Technology Transfer, that is, what are the specific technologies that will be transferred to the partner nation(s).
- Reciprocity and Technology Flow-back, that is, the potential equitability and benefit to the U.S. that may result from the information exchange.

The MILDEPs coordinate directly with the DOC while providing courtesy copies of the correspondence to OUSD(AT&L)/DIR, IC. Other DoD Components must forward the IEP annex to OUSD(AT&L)/DIR, IC for transmittal to the Department of Commerce for review and comment. In addition to the IEP annex, it should be noted that DOC usually requests that the DoD Components forward copies of the annex's equitability statement to facilitate their review.

Milestone II DoD Component's Approval of the IEP annex for Negotiation

After developing and coordinating the IEP annex, each MILDEP approves the IEP annex for negotiation with the foreign partner(s). Other DoD Components must staff their IEP annex package with OUSD(AT&L)/DIR, IC to obtain approval to negotiate and conclude (sign) the IEP annex.

13.7.3 Phase III: Establish the IEP annex

During Phase III the IEP annex is negotiated, concluded and established for implementation by the U.S. and foreign partner TPOs (and ATPOs, if any). Negotiations usually take place via e-mail. They are usually accomplished quickly because, during the IEP annex technical area identification and Project Description or Scope development, the TPOs reached agreement on the Project Description or Scope, -- and the rest of the annex, for the most part, comprises boilerplate language.

Milestone III: Sign the IEP annex into Force

Upon completion of the negotiation and mutual agreement on the final text of the annex, the Component's IEP signature authority concludes the annex.

13.7.4 Phase IV: Execute the IEP annex (Annual Cycles of Review)

Once the annex is concluded (at the date of the last signature), the DoD Component provides the U.S. TPO with a copy of the annex and copies of the approved DDL and equitability statement, and TPO is charged to commence the information exchange by either:

- Establishing the first year's annex information exchange objectives, or
- Re-affirming previously developed (often done during Phase II) annex objectives.

Once the annex is implemented the TPO has the following responsibilities throughout the IEP annex's life cycle:

- To exchange information, and conduct visits and meetings as appropriate.
- To complete the IEP annex annual progress report, which includes:
 - A brief description of the year's activities,
 - An assessment of the effectiveness of the annex in achieving the Component's information exchange objectives, and
 - Next year's information exchange objectives.
- To recommend annually to the DoD Component IPO whether or not:
 - The IEP annex should continue, or be amended, replaced or terminated.
 - The DDL needs revision.

The DoD Components are then able to update the OUSD(AT&L)/DIR, IC with current information regarding the status of IEP agreements and annexes under their jurisdiction.

Milestone IV: DoD Component Annual Reviews

Based upon a DoD Component's annual review there may be a decision to take one of the following actions regarding the IEP annex:

- Amend,
- Replace, or
- Terminate.

13.7.5 Phase V: Year of Expiration IEP annex Assessment

During the final year before expiration (an annex is established for a period of 5-10 years), the TPO, ATPOs, and the MILDEP National Annex Authority (NAA) representative or Project Officer (PO) (See Figure 13-2 IEP Management Framework.) will:

- Assess annual IEP information exchanges, visits, and meetings;
- Determine if information exchange objectives have been met or not met, and properly analyzed throughout the duration of the annex; and
- Finally determine whether an IEP annex should be extended, amended or replaced by a new annex, or allowed to expire.

Other DoD Components execute the same assessment and then recommend for OUSD(AT&L)/DIR, IC (National Annex Authority) decision whether or not the IEP annex should be extended, amended, or replaced.

Milestone V: Sunset Clause Decision

MILDEP NAA representative for recent IEP agreements or PO for older IEP agreements make aforementioned decision, and then the MILDEP or other Components' IPOs work with the TPO, ATPO(s), legal and foreign disclosure organizations to extend, amend or replace the current IEP annex in accordance with DoD Component IPO procedures.

If the decision is to allow the annex to expire, the U.S. and foreign TPOs should inform either their NAA or respective NAA representative/PO of their intent. Note, however, if no action is taken, the IEP annex will expire.

13.7.6 IEP Annex Management Structure (and Responsibilities)

The IEP management structure is usually defined in each IEP agreement. Customarily, the following comprises not only a typical IEP agreement management structure, but also comprises the management structure utilized by OUSD(AT&L)/DIR, IC and the MILDEPs:

- National Annex Authority (NAA): The OUSD(AT&L)/Director, IC serves as the NAA under most IEP agreements. NAA duties comprise:
 - Serving as overall auditor of each country's IEP and IEP agreement.

- Providing DoD policy guidance, oversight, and procedures for RDT&E information exchanges.
- Ensuring that there is overall equitability in the flow of information with partner nations, consistent with national security policy and DoD security policy.
- Arbitrating IEP issues with the DoD Components.
- Coordinating with Department of Commerce to resolve disputes concerning proposed IEP annexes in accordance with the Statement of Principles between the Department of Defense and Department of Commerce of January 5, 2005 (Annex B).
- NAA representative or the PO in older IEP agreements, usually the head of the MILDEPs international programs organization (IPO), duties comprise:
 - Managing and overseeing the MILDEP's IEP with each country.
 - Providing MILDEP policy guidance and procedures for developing, coordinating, negotiating, concluding and executing IEP annexes.
 - Chairing with foreign partner annual bilateral country-to-country IEP reviews that assess the equitability of the MILDEP's IEP with each country.
 - Resolving TPO-to-TPO disputes that cannot be resolved at the IEP annex proponent level.
 - Ensuring that TPOs, ATPOs and other MILDEP personnel involved with the IEP are trained.
- Technical Project Officer (TPO) duties comprise:
 - Managing the IEP annex and assigned ATPOs.
 - Assigning ATPOs.
 - Ensuring that the exchange of information under the IEP annex is equitable.
 - Recommending and determining in coordination with the Designated Disclosure Authority (DDA) the information to be exchanged under the annex.
- Associate TPO duties comprise:
 - Managing the information exchange for designated portions of the IEP annex Project Description (Scope).
 - Recommends information to be exchanged to the TPO.

- Designated Disclosure Authority (DDA) adjudicates and approves the classified information recommended by the TPO for disclosure (exchange). Serves as the repository for all DDL which disclose Controlled Unclassified Information and Classified Military Information.

13.8 SUMMARY

IEP agreements and annexes are extremely useful tools for the equitable exchange of RDT&E information with allied and friendly nations. They are strictly limited to this purpose, and may not be used as a substitute for cooperative technology, acquisition and logistics IAs. Furthermore, U.S. information exchanged must comply with U.S. Department of Defense, and DoD Component foreign disclosure and USG export control policy. Besides promoting weapon systems interoperability and standardization, strengthening military alliances and supporting coalitions, and bolstering DoD's technology base, IEP annexes allow DoD to multiply defense dollars by avoiding duplicative investment. Often a cooperative RDT&E program will evolve from exchanges, thus benefiting DoD with access to the best technology and potential economic benefits.

13.9 REFERENCES

1. [10 U.S.C. 2358](#), Research and development projects
2. [DoD Instruction 2015.4](#), *Defense Research, Development, Test and Evaluation (RDT&E) Information Exchange Program (IEP)*, 7 February 2002.
3. [DoD Directive 5230.11](#), *Disclosure of Classified Military Information to Foreign Governments and International Organizations*, 16 June, 1992.
4. [DoD Directive 5230.20](#), *Visits and Assignments of Foreign Nationals*, June 22, 2005.
5. [DoD Directive 5530.3](#), *International Agreements*, June 11, 1987, *Includes Change 1 of February 18, 1991*.
6. [Defense Acquisition Guidebook](#), updated monthly
7. Memorandum, OUSD(AT&L)/DIR, IC, January 5, 2005, Subject: DoD-wide Implementation of the **Statement of Principles Between the Department of Defense (DoD) and the Department of Commerce (DOC)** concerning the Interagency Consultation Process for Acquisition, Technology and Logistics-related International Agreements.
8. [DoD Instruction 5000.02](#), *Operation of the Defense Acquisition System*, December 8, 2008.

CHAPTER 14: IC IN AT&L PERSONNEL EXCHANGES AND ASSIGNMENTS

14.1 INTRODUCTION

The Department of Defense (DoD) has *entered into a number of agreements with allies and friendly foreign countries* which allow for the exchange or assignment of foreign personnel in U.S. defense establishments and for the corresponding exchange or assignment of U.S. personnel in foreign defense establishments. Most of these programs permit participants – both military and civilian – to spend one or more years working in the host nation’s defense research and development organizations, joint program offices, or operational defense establishments on projects directly related to their area of expertise. Programs that facilitate the reciprocal or one-for-one exchanges and assignments of both U.S. and foreign participants are collectively referred to as the Defense Personnel Exchange Programs (DPEP). Other programs, where there is no requirement to demonstrate reciprocity to include Cooperative Program (or Project) Personnel (CPPs) and U.S. and Foreign Liaison Officers (USLOs and FLOs), simply assign foreign participants in the U.S. and U.S. participants in allied and friendly nations.

14.2 LEGAL AND POLICY BASIS

14.2.1 Legal Basis

The legal basis for all DoD personnel exchange and assignment programs is found in public law No. 104-201, Section 1082 Agreements for Exchange of Defense Personnel between the United States and Foreign Countries or 10 USC § 168 - Military-to-Military Contacts and Comparable Activities. This section provides authority to the Secretary of Defense (SECDEF) to negotiate agreements with allies or other friendly foreign countries to exchange military and civilian DoD personnel with military and civilian personnel of foreign defense ministries. Under this authority, DoD personnel may also be assigned to positions in private industries that support the host party of the host foreign government, but the law does not allow foreign personnel to be placed in U.S. defense industries.

Public Law 110 – 181, 122 STAT. 3, 1201amends 10 U.S.C. Section 168(c) to recognize assignment of personnel on a non-reciprocal basis if SECDEF determines such assignments over exchanges is in the interest of the United States.

14.2 Policy Basis

DoD Directives 5230.20 and 5530.3 establish the policy and procedures that apply to the development, negotiation, signature and implementation of individual defense personnel exchange and assignment IAs with foreign partners.

Cooperative Program/Project Personnel (CPP) are assigned to a Joint Program/Project Office (JPO) (International Agreements' Generator (IAG) Annex I (Alternatives A & B)) or to work under “a position description mutually determined by the Parent Party and Host Party.” (IAG Annex I (Alternative C)) in accordance with a specific international agreement or annex to an umbrella international agreement concluded under DoD Directive 5530.3.⁶⁷ Operational Liaison Officers (OLOs) are also usually assigned under the auspices of an IA or annex thereto. Security Assistance LOs, however, may be assigned under an IA negotiated pursuant to DoDD 5530.3 with a Letter of Offer and Acceptance (LOA) covering provision for support, or an LOA alone containing equivalent provisions such as those found in an IA, and provided there is a bilateral security agreement in place with the other government (See Chapter 7, Section 7.3 Bilateral Security Agreements).

There are legal and/or policy restrictions on the activities and jobs which foreign personnel may participate or perform for the Department of Defense; for example, they may not act in an official capacity for the Department of Defense; the DPEP may not be used to train foreign personnel; except for basic orientation on U.S. equipment etc, they must report to duty fully qualified to perform in the assigned position (see DoDD 5230.20).

14.3 DEFINITIONS

The following definitions describe key terms used under defense personnel exchange or placement programs.

⁶⁷ CPP Annex I (Alternative C) “1.2. CPP shall be assigned to work on a specific (name of MOA, Activity, Project, effort, etc) and shall report to a supervisor to be identified by the Host Party. CPP shall have a position description mutual determined by the Parent Party and Host Party. CPP shall not act as liaison officers for their Parent Party.”

<i>Classified Information</i>	Official information that requires protection in the interests of national security and is so designated by the application of security classification markings.
<i>Combatant Command</i>	One of the U.S. unified or specified combatant commands established by the President under Title 10, United States Code, Section 164.
<i>Controlled Unclassified Information</i>	Unclassified information to which access or distribution limitations have been applied in accordance with applicable national laws or regulations. Whether the information is provided or generated under an international agreement (IA), the information shall be marked to identify its "in confidence" nature. It could include information which has been declassified, but remains controlled.
<i>Contact Officer</i>	“A DoD official designated in writing to oversee and control all contacts, requests for information, consultations, access, and other activities of foreign nationals who are assigned to, or are visiting, a DoD Component or subordinate organization. In the case of DPEPs, the host supervisor may be the contact officer.” DoDD 5230.20, E2.1.4.
<i>Cooperative Program/Project Personnel (CPP)</i>	See Section 14.4.2.
<i>Defense Personnel Exchange Program (DPEP):</i>	See Section 14.4.1.
1. Administrative and Professional Personnel Exchange Program (APEP)	See Section 14.4.1.1
2. Engineers & Scientists Exchange Program (ESEP)	See Section 14.4.1.2
3. Military Personnel Exchange Program (MPEP)	See Section 14.4.1.3

**4. Defense Intelligence
Exchange Program
(DIPEP)**

See Section 14.4.1.4

***Delegation of Disclosure
Authority Letter (DDL)***

“A letter issued by the appropriate designated disclosure authority explaining classification levels, categories, scope, and limitations of information under a DoD Component's disclosure jurisdiction that may be disclosed to a foreign recipient. It is used to delegate disclosure authority to subordinate disclosure authorities.” DoDD 5230.11, Section E2.1.4

The DDL authorizes supervisors of foreign APEP, CPP, DIPEP, ESEP and MPEP personnel, and FLO contact officers in coordination with and approval of the Designated Disclosure Authority (DDA), designated in the DDL, to disclose selected information to the participants in the aforementioned exchange and assignment programs. It also specifies the disclosure procedures the supervisor and DDA must follow when disclosing and/or releasing information under these exchange and assignment programs. As these DDLs are U.S.-only documents normally issued by a DoD Component's foreign disclosure organization, they specify the scope of information that can be released, as well as information that cannot be released.

***Designated Disclosure
Authority (DDA)***

“An official, at subordinate component level, designated at the Head of a DoD Component or the Component's Principal Disclosure Authority to control disclosures of classified military information by his or her organization.” DoDD 5230.11, Section E2.1.5.

Often the Component will also assign the DDA to certify the disclosure of Controlled Unclassified Information (CUI) as well.

Exchange Program

The exchange of personnel under DPEP (that is, APEP, ESEP, DIPEP and MPEP) IAs.

***Foreign Liaison Officers
(FLOs):***

Reference DoDD 5230.20, Enclosure 2, E2.1.16:

1. National Representative	A foreign government representative, normally assigned to his or her national embassy or legation in Washington DC (e.g. an attaché), who performs liaison activities with the DoD and the DoD Components.
2. Operational	<p>A foreign government representative who is assigned to a DoD Component pursuant to a documented requirement to coordinate operational matters, such as combined planning; training; education; research, development and acquisition (RD&A) activities.</p> <p>(NOTE: The DoD Components also assign “operational” liaison officers within the defense establishments of allies and other friendly nations. See operational liaison officers below for bilateral definition.)</p>
3. Security Assistance	A foreign government representative who is assigned to a DoD Component or contractor facility pursuant via a requirement that is described in a Letter of Offer and Acceptance. Security Assistance LOs may also perform specific oversight duties for their respective government's students receiving Foreign Military Sales (FMS) training in the United States.
<i>Host Organization</i>	The Military Service, Combatant Command, Defense Department/Ministry agency, or staff, or equivalent organizations of each Defense Department/Ministry, to which exchange and assignment personnel are placed for duty pursuant to the exchange (APEP, DIPEP, ESEP and MPEP) or assignment (CPP and FLO) program.
<i>Host Party</i>	The Defense Department or Ministry of Defense (DoD/MOD) to which the Host Organization belongs.
<i>Information</i>	<ol style="list-style-type: none"> 1. Any knowledge, regardless of form, provided to, generated in, or used in these exchange or placement programs. 2. Knowledge obtained in any manner by observation, investigation, or study and the ideas inferred, regardless of form or type, including but not limited to, that of a scientific, technical, business, financial or programmatic nature, and also including photographs, reports,

manuals, threat data, experimental data, test data, designs, specifications, processes, techniques, drawings, technical writings, sound recordings, magnetic media, pictorial representations and other graphical presentations, whether on magnetic tape or disk, computer memory or any other form, and whether or not subject to copyright, patent, or other legal protection.

Invention

Any invention or discovery formulated or made (conceived or first actually reduced to practice) in the course of work performed. The term first actually reduced to practice means the first demonstration, sufficient to establish to one skilled in the art to which the invention pertains, of the operability of an invention for its intended purpose and in its intended environment.

Operational Liaison Officers (Foreign and U.S.)

Assignment of military and civilian personnel specialists in a host organization to represent the parent organization to the host organization in areas of mutual interest pursuant to a documented requirement to coordinate operational matters, such as combined planning, training, education, RD&A etc activities. (Also see Foreign Liaison Officers above.)

Parent Organization

The Military Service, Combatant Command, Defense Department/Ministry agency, or staff, or equivalent organizations of each Defense Department/Ministry, to which exchange (APEP, DIPEP, ESEP and MPEP) or assignment (CPP and FLO) personnel belong.

Parent Party

The Defense Department or Ministry of Defense (DoD/MOD) to which the Parent Organization belongs.

Patent

Legal protection of the right to exclude others from making, using, or selling an invention. The term refers to any and all patents including, but not limited to, patents of implementation, improvement, or addition, petty patents, utility models, appearance design patents,

registered designs, and inventor certificates or like statutory protection as well as divisions, reissues, continuations, renewals, and extensions of any of these.

Technical Information or Data Any information regarding RDT&E to include scientific, technical, performance, business, contractual, administrative, financial information, software and source code -- whatever the form or type.

14.4 SPECIFIC PERSONNEL EXCHANGE AND ASSIGNMENT PROGRAMS

14.4.1 Defense Personnel Exchange Program (DPEP)

The Defense Personnel Exchange Program (DPEP) encompasses four different military and civilian exchange programs that involve the assignment of foreign nationals to positions with the DoD Components in exchange for the assignment of DoD personnel to positions with foreign government defense establishments. DPEP exchanges include the following:

14.4.1.1 The Administrative and Professional Personnel Exchange Program (APEP)

APEP is a professional development program that promotes international cooperation by exchanging civilian and military specialist personnel in fields such as administration, logistics, finance, legal, planning and quality assurance. These reciprocal assignments take place through the exchange of military and/or civilian management professionals. APEP provides on-site working assignments for foreign personnel in U.S. defense (government) establishments, and for U.S. personnel in foreign defense (government and contractor) establishments. The USD(Policy) is responsible for the administration of the APEP.

14.4.1.2 The Engineers and Scientists Exchange Program (ESEP)

ESEP is a career enhancement program that assigns foreign civilian and military engineers and scientists to DoD (government) research, development, test, and evaluation (RDT&E) facilities and U.S. civilian and military engineers and scientists to foreign defense (government and contractor) RDT&E facilities to conduct RDT&E. The first bilateral ESEP agreement was established in 1963, when the U.S. and Germany agreed to place research scientists and engineers in each other's RDT&E facilities. Historically, the ESEP program's

objectives have been to improve the understanding of the other nation's technical capabilities and the process by which its defense RDT&E program is managed. Thousands of exchange foreign and U.S. scientists and engineers have participated in this program. The USD(AT&L) is responsible for the administration of the ESEP.

14.4.1.3 The Military Personnel Exchange Program (MPEP)

MPEP involves the one-for-one exchange assignments of U.S. and foreign military personnel (commissioned and non-commissioned officers) to authorized positions within the other country's operational military establishment. The goal of the program is to foster mutual understanding between the military establishment of each participating nation by providing exchange personnel familiarity with the organization, administration, and operations of the host organization. Foreign military personnel are integrated into the DoD component host organization work force and vice versa for U.S. military personnel assigned to foreign partner military establishments. The intention of the MPEP is to exchange Commissioned and Non-Commissioned Officers in operational billets. There are a few exchanges that take place in RDT&E billets, e.g., developmental test pilots, but this is the exception, not the rule. The Secretaries of the Military Departments are responsible for the administration of the MPEP.

14.4.1.4 The Defense Intelligence Personnel Exchange Program (DIPEP)

DIPEP is a program for exchanges of military intelligence analysts between the parent parties' intelligence organizations.

Participants in DPEP exchanges become an integral part of their host organizations, fully contributing to the project to which they are assigned. While participants learn a great deal and generally become more capable in their fields as a result of the experience, they are not sent to the host party or organization for training. Rather, participants both contribute to and learn from host country counterparts as they work together in defense efforts of mutual interest to both nations. It should be noted that because allied and friendly foreign countries use their DPEP experience as a career-enhancing program, foreign DPEP participants often rise to positions of influence and importance in their own defense organization. These career progressions may result in long-lasting benefits to the U.S., since these individuals form friendships with rising

U.S. personnel during their assignments. The Under Secretary of Defense for Intelligence is responsible for the administration of the DIPEP.

14.4.2 Cooperative Program/Project Personnel/Person (CPP)

Cooperative Program/Project Personnel/Person (CPP) are participants in a professional assignment program, pursuant to an international agreement, that promotes IC in AT&L work by assigning U.S. and foreign personnel with specific skills to on-sight positions in a Joint Program Office (JPO). CPP assignments take place under specific IC in AT&L MOUs or PAs that call for the establishment of a JPO where a multinational staff manages and/or executes the work under the agreement. CPP participants report to and take direction from the Program Manager (or Program Manager equivalent), and may serve in a variety of JPO positions — from Deputy Program Manager to scientist. CPP personnel perform duties of an assigned Position Description (PD) under the direction of a JPO supervisor. CPP personnel are assigned specific project responsibilities and promote specific cooperative development, cooperative production and/or other activities under the agreement. However, CPPs cannot perform duties that are reserved by law or regulation to an officer or employee of the host party or organization (such as the responsibilities of any contracting official, component duty officer, classified document custodian, security officer, escort duty etc.) or perform other official acts as a representative of the host party or organization.

Per DoD policy, a CPP, assigned to a JPO in the U.S. is not permitted to act in a dual capacity as an official or employee of the JPO and as a foreign liaison officer for his/her government (See DoD Directive 5230.20, “Visits and Assignments of Foreign Nationals,” June 22, 2005). However, there may be exceptional circumstances where the interests of the U.S. Government, the project, and the foreign government would be best served by permitting an individual to serve both as a CPP and a liaison officer. For example, a foreign CPP may have unique expertise concerning missiles that may be important for not only the project but also for a foreign military sales (FMS) case unrelated to the project; in order to achieve the effective and efficient administration of the FMS case, it may be advisable to allow the CPP to serve as a security assistance liaison officer, provided that the CPP is also able to effectively and efficiently perform all assigned CPP responsibilities. The September 15, 2000 memorandum from the Deputy Under Secretary of Defense (Policy Support), entitled “Delegation of Authority to

Approve Sharing of Foreign Liaison Officer (FLO) and Cooperative Project Personnel (CPP) Duties,” delegated to the international program heads of the Army, Navy and Air Force the authority to approve, on a case-by-case basis, CPP performance of liaison officer functions subject to the terms of that memorandum. This authority was delegated without authority for re-delegation.

14.4.3 Foreign (operational) Liaison Officers (FLOs)

The purpose of the Foreign Liaison Officer (FLO) program is to facilitate cooperation, mutual understanding and information exchange regarding concepts or capabilities development, training, doctrine, RD&A, operations etc, between the defense establishments of the U.S. and our allies and coalition partners. A FLO is a foreign government military member or civilian employee who is authorized by his or her parent party/organization, and is certified by a DoD Component host organization, to act as an official representative of the parent party/organization in its dealings with the host organization in connection with programs, projects or agreements of interest to the parent parties/organizations. Reciprocity is not required for the establishment of FLO positions. FLOs are expected to represent the views to their parent parties/organizations regarding issues of mutual interest. Although not covered in great detail in this chapter, the DoD Components also assign U.S. operational liaison officers in allied and friendly nation host organizations.

The following table summarizes the different types of exchange and assignment programs:

	DPEP Exchanges				Assignments	
	APEP	ESEP	MPEP	DIPEP	CPP	USLO/FLO
Types of Personnel or Positions	Administrative, Finance, Health, Legal, Logistics, and Planning	Scientists and Engineers	Commissioned and Non-Commissioned Military Operational Personnel	Intelligence Personnel	Managerial, Administrative, Programmatic, Scientists, and Engineers	Concepts or Capabilities Development, Training, Doctrinal, RD&A, and Operations
Type of Program	Exchange	Exchange	Exchange	Exchange	Assignment	Assignment
Nationality of Participants	U.S. and Foreign	U.S. and Foreign	U.S. and Foreign	U.S. and Foreign	U.S. and Foreign	Foreign (and U.S.)
Eligible Personnel	Civilian and Military	Civilian and Military	Active Military Commissioned and Non-Commissioned Officers	Civilian and Military	Civilian and Military	Civilian and Military
Proponent	USD(Policy)	USD(AT&L)	Army, Navy and Air Force	Dir, DIA	RD&A IA Mgt Structure/Joint Programs Office	DoD Components
One-for-One Reciprocity Required	NO	NO	YES	NO	NO	NO

Table 14-1 Types of Personnel Exchange and Assignment Programs

14.5 GUIDELINES

14.5.1 Defense Personnel Exchange Program (DPEP)

The DPEP program is implemented through separate DPEP master IAs with each participating foreign partner. DPEP agreements normally cover the type(s) of exchange position(s) to be established, length of tour, financial responsibilities, use of facilities, entitlements, liabilities and claims, status of assigned personnel (including privileges and exemptions), security, and administrative and oversight responsibilities. APEP and ESEP IAs are usually negotiated and concluded by an OSD delegated MILDEP Executive Agent (EA). The USD(P) is the APEP EA and the USD(AT&L) is the ESEP EA, see DoDD 5230.20. They

delegate APEP and ESEP EA responsibility to a MILDEP at the commencement of the IA's Request for Authority to Develop and Negotiate (RAD) process (*Defense Acquisition Guidebook*), Section 11.2.2. OUSD(AT&L)-Related International Agreement Procedures). During the RAD and Request for Final Approval (RFA), the MILDEP, as that IA's EA, develops, coordinates, negotiates and concludes the IA. The MILDEP, as EA, then implements the assigned APEP or ESEP IA in conjunction with the IAs assigned Managing Agents (MAs). (See next section for specific EA and MA duties).

Both APEP and ESEP policy and IAs allow flexibility in the number and location of exchange personnel. MPEP agreements, on the other hand, are negotiated by each MILDEP for specific one-for-one exchange positions, and, as a result, have less flexibility in location and number of personnel participating. DIPEP agreements are negotiated implemented by the intelligence community. Because APEP IAs allow numerous IC in AT&L-related (e.g. finance, health/medicine, logistics, planning, quality assurance) placements and the ESEP pertains exclusively to S&E IC in AT&L placements, these programs are discussed in depth in this chapter. The MPEP and DIPEP are not, because they are not normally considered programs for RD&A placements.

While each DPEP IA is specific to the particular country with which the U.S. wishes to exchange personnel, certain overall guidelines apply to all DPEP exchanges. Successful DPEP assignments normally meet the following criteria:

- The experience and expertise to be gained by the participants should expand and/or enhance their careers.
- The professional development opportunities for participant(s) should be essentially equal.
- Assignments should be in disciplines associated with a mutual military requirement.
- Exchanges are managed in such a way that equitable benefits (qualitative and/or quantitative) are derived by both countries.

Certain conditions and restrictions apply to all DPEP exchanges:

- DPEP is not a means to provide training, nor is it to be used as a mechanism for exchanging technical data or other information related to the design, development, and manufacture of military systems.
- Participants may not act in the dual capacity as a DPEP participant and as a representative (that is, a liaison officer) of their government while assigned to a host organization.
- Participants are prohibited from:
 - Taking an oath of allegiance to the host country or
 - Holding an official capacity
- The costs of participation are borne by the participant's parent organization. To encourage participation by U.S. scientists and engineers, certain DoD components have initiated centralized funding programs to reimburse U.S. commands for the placing of their own personnel overseas in the ESEP. Exceptions exist for the cost of temporary duty directed by the host organization, certain training programs, and use of facilities of the host party.
- A U.S. delegation of disclosure authority letter (DDL), and position description is established for each exchange position assigned to a DoD Component.
- Participants remain under the administrative control (i.e., pay, ratings) of their parent organization, but are under the operational control of their host organization.

14.5.2 Cooperative Program/Project Personnel (Person)

CPP participants may be either military members or civilian employees of the parent organization. Because CPP positions are based on the needs of a specific cooperative program, the criteria for selecting participants varies widely. The IC in AT&L IA or annex that allows for CPPs will address the following issues:

- Type of positions to be established
- Length of tour
- Financial responsibilities (e.g., travel, salary, etc.) and use of host organization facilities and equipment

- Entitlements (e.g., commissary privileges, medical care, etc.)
- Status of assigned personnel, to include privileges and exemptions, liabilities and claims
- Security
- Disciplinary matters
- Administrative matters and oversight responsibilities (e.g., leave, dress, reviews, and performance reports)

During their assignment, CPP participants remain under the administrative control (e.g., pay, disciplinary actions) of their parent organization. However, they operate under the operational control of the host organization through the Program Manager (or Program Manager-equivalent) of the cooperative project or program to which they are assigned. They may participate in most functions of the host organization. From this standpoint, CPP participants work on behalf of the joint project -- not as a representative of their parent party/parent organization. Because of this distinction, foreign CPPs in the U.S. are generally not permitted to be assigned dual responsibilities as FLOs. However, under certain exceptional circumstances this can be done. See Section 14.4.2 Cooperative Program/Project Personnel (CPP).

14.5.3 Foreign Liaison Officers (FLOs)

There are three types of FLOs:

- **National Representative:** A foreign government representative, normally assigned to his or her national embassy or legation in Washington DC (e.g. and attaché), who performs liaison activities with the DoD and the DoD components.
- **Security Assistance:** A foreign government representative who is assigned to a DoD Component or contractor facility pursuant via a requirement that is described in a Letter of Offer and Acceptance. Security assistance LOs may also perform specific oversight duties for their respective government's students receiving FMS training in the United States.
- **Operational:** A foreign government representative who is assigned to a DoD Component pursuant to a documented requirement to coordinate operational matters, such as combined planning, training, education, RD&A etc activities.

Operational liaison officers are normally assigned to DoD Components for operational purposes (e.g., coordination of ship visits, military planning); however, they may also support IC in AT&L. The assignment of operational FLOs to U.S. installations requires an IA, per DoDD 5230.20, developed, negotiated and concluded in accordance with DoDD 5530.3 that contains provisions concerning such matters as responsibilities and obligations of the parties, authorized activities, security requirements, financial arrangements, and claims. These IAs may be either specific program agreements or liaison officer specific unilateral (foreign to U.S.) or bilateral (foreign to U.S. and U.S. to foreign) umbrella agreements containing annexes for multiple assignments.

Each FLO participant is certified to a U.S. host organization. Certification does not automatically bestow diplomatic or other special privileges. Only certified, usually National Representative FLOs, who have attaché status, may have diplomatic accreditation and privileges accorded by the Department of State.

Once in place, FLOs represent their parent party in its dealings with the host organization to which they are assigned. FLOs' activities are limited to representational responsibilities for their parent organization as described in their certification; they may not perform activities that are a responsibility of an employee of the host organization or represent the host organization in any capacity. Because FLOs remain under the administrative and operational control of their parent organization, they cannot simultaneously perform the duties of a DPEP participant, who are under the operational control of the host organization.

14.6 PROGRAM ADMINISTRATION

14.6.1 APEP and ESEP

OSD (P) APEP Executive Agent and OUSD(AT&L) ESEP Executive Agent (EA) have delegated the responsibility for the oversight of the APEP and ESEP to the Army and Air Force respectively by designating them as DoD Executive Agents (EAs) for each specific country APEP and ESEP MOU. OSD divides up EA responsibilities, more or less equitably, between the Army and Air Force. The Army and Air Force EAs ensure that each DoD Component that participates in the APEP or ESEP designates a Managing Agent (MA). EAs and MAs have distinctly different but complementary responsibilities.

14.6.1.1 ESEP Executive Agent

The EA is responsible for the oversight of each IA to:

- Ensure its conformity with current law and regulations
- Recommend amendments
- Maintain a record of all exchange positions and MAs

Although only one MILDEP acts as EA for each APEP and ESEP agreement, personnel from all DoD Components are eligible to participate in the exchanges. For example, the Army routinely hosts foreign exchange participants from countries under agreements for which the Air Force is the EA.

14.6.1.2 ESEP Managing Agent

To make the above work, each DoD Component that hosts APEP and ESEP participants assigns an MA to manage the placements of U.S. and foreign APEP and ESEP participants. Each Component MA, designated at each host organization to which APEP and ESEP participants are assigned, is responsible for:

- Negotiating and executing specific exchanges
- Maintaining a record of the position descriptions
- Ensuring that exchanges are conducted in accordance with the approved position descriptions, applicable laws and regulations, and the respective IA
- Reporting exchange positions to the EA
- Approving new or amendments to position descriptions.

DoD Component international programs organizations, where the MA usually resides, work closely with the EA and foreign defense representatives for each APEP and ESEP agreement to identify exchange opportunities and implement specific exchanges.

14.6.2 Cooperative Program/Project Program (Person) (CPP)

The specific details of and management structure for CPP placements is governed by the specific cooperative program IA under which the placement occurs. In general, CPPs are assigned to Joint Program Offices (JPOs) set up to manage cooperative projects. In the U.S. and abroad, the associated Program Management Office (PMO) or equivalent for the cooperative

project acts as the administrative point of contact and usually houses the supervisor for CPP personnel. PMOs coordinate with the IA management structure regarding the selection and placement CPPs.

14.6.3 Foreign Liaison Officers (FLO)

International Agreements (IAs) for FLO (and in some cases U.S.) placements are negotiated and implemented by the DoD Components as noted in Section 14.5.3 Foreign Liaison Officers. Each Component sets its own implementation guidelines and administration system for FLOs, within the scope of DoDD 5230.20.

14.7 U.S. PARTICIPATION

U.S. participants in APEP and ESEP are usually selected competitively from volunteers who meet the selection criteria. Military participants are typically Army/Air Force captains or Navy lieutenants (O-3); civilian participants are typically GS-12s or 13s, or equivalent. Selection is not necessarily based on specialty, so DoD personnel interested in APEP and ESEP exchange opportunities are encouraged to discuss potential assignments with their DoD Component international programs organization.

The CPP is open to both foreign and U.S. participants, but is dependent upon the country in which the JPO is located. U.S. participants to be placed in the foreign JPO are nominated by the U.S. Program Manager and approved in accordance with the governing IAs management structure.

The FLO program provides for foreign (and U.S.) participation. Nevertheless, no DoD Component centrally manages its total liaison officer program due to the diversity, depth and breadth of possible “operational” liaison officer placements. The result is that FLOs are centrally managed, but U.S. liaison officers are not. Therefore, the participation in and placement of individual U.S. operational liaison officers is not uniformly regulated by the DoD Components. It is recommended that before any DoD Component takes steps to place a U.S. liaison officer that they consult with their Component international programs organization.

If required, selected candidates must attend a DoD language course before being allowed to go overseas. Whenever possible, spouses also take the course. U.S. participants are expected to take their families to the host nation and live on the local civilian economy, even if there are opportunities to live in U.S. military housing. All APEP and ESEP participants are expected to be an integral part of the host organization, but they cannot serve in any other official capacity.

There also are opportunities for so-called "ad-hoc" usually short-term (less than 12 months) assignments. An ad-hoc assignment takes advantage of an opportunity when a specific parent organization individual is available to work on a specific project at the host organization. In such cases, the individual remains attached to his assigned duty organization and usually is on extended temporary duty status at the host organization.

Currently, the U.S. sends the most ESEP participants to Australia, France, Germany and the United Kingdom.

14.8 FOREIGN PARTICIPATION

The first step in the assignment cycle is the parent party/organization screening and selection process. This process is strictly a function of the parent party, and each applies its own criteria. APEP, CPP, ESEP and Liaison Officer IAs contain requirements specifying that participants must be government employees, and ESEP IAs further specify that participants must have at least a bachelors degree, (preferably a masters), in a scientific or engineering discipline. Not only must the foreign APEP, CPP, ESEP or FLO participant be technically qualified, there also must be a corresponding DoD host organization that is willing to accept the proposed candidate. The foreign parent organization must also agree to pay the participant's salary, housing and travel expenses for the assignment. The U.S. will generally only be responsible for direct costs associated with hosting the individual at the U.S. host organization. Once the foreign parent party decides to nominate an individual as an APEP, CPP, ESEP or FLO, they will forward the individual's resume for:

- APEP/ESEP participation to the appropriate DoD Component MA.
- CPP participation to the specific IC in AT&L international agreement (IA) Management Structure, usually the Steering Committee.

- FLO assignment to the specific Component that concluded the IA, consummated the FLO LOA, or that has an umbrella program IA which allows FLO/USLO assignments, e.g. the American, British, Canadian, Australian (and New Zealand) (ABCA) Armies Program – Basic Standardization Agreement, 1964.

If the foreign partner is unclear where to send their candidate's resume, they should consult with a DoD Component international programs organization or OUSD(AT&L)/DIR, IC.

When a U.S. host organization (center, laboratory, institute, program office etc.) agrees to accept a foreign participant, the facility prepares a position description, which would describe the project the candidate would work on and outlining the candidate's responsibilities and duties. The facility is also responsible for obtaining Foreign Disclosure guidance regarding the candidate's assignment from the cognizant foreign disclosure organization. Such disclosure guidance must be obtained before the DoD Component's MA or international programs organization initiates an attempt to arrange the proposed assignment with the parent organization's representatives.

Altogether, the following documents/actions are required as part of the placement process for U.S. and foreign participants in APEP, ESEP, CPP and FLO:

Required Documents/Actions:	APEP	ESEP	CPP	FLO (USLO)	Developed By
1. Resume	YES	YES	YES	YES	Parent Organization
2. Career Areas of Interest & Assignment Objectives	YES	YES	NO	NO	Parent Organization
3. Certificate/Terms of Conditions & Responsibilities	YES	YES	YES	YES	Parent/Host Organization
4. Commitment Regarding Inventions Made & Technical Information Developed	NO	YES	YES	NO	Parent/Host Organization
5. Position Description	YES	YES	YES	YES – part of 3. above	Host Organization
6. Delegation of Disclosure Authority Letter (DDL) (only for foreign personnel in U.S.)	YES	YES	YES	YES	Host Organization
7. Extended Visit Request	YES	YES	YES	YES	Host Organization
8. Orientation/In-Briefing	YES	YES	YES	YES	Host Organization

Table 14-2 Requirements of the DPEP, CPP and FLO Programs

ESEP is the most widely utilized of the exchange and assignment programs. Currently, Germany provides the most participants in the ESEP by a wide margin. Following Germany, South Korea, the United Kingdom and Australia provide the most participants in the order listed. Historically, the number of foreign participants in ESEP greatly exceeds the number of U.S. participants.

The following table lists foreign countries that have signed umbrella ESEP and APEP IAs with the Department of Defense.

COUNTRY	EXEC AGENT	STATUS	NUMBER	DATE SIGNED & TERM
ARGENTINA	Army	ESEP On hold: OSD RAD staffing		
AUSTRALIA	AIR FORCE	ESEP Established	D-MOU-AT-1987-0088	20 Nov 87 (Indefinite; 2 Yr Rev)
AUSTRALIA	OSD (Policy)	APEP: Established		11 Jun 07 (10 Yr)
BELGIUM	ARMY	ESEP Proposed OSD RAD Staffing		
BRAZIL	OSD (AT&L)	ESEP: Proposed (AF-lead) In negotiation		
CANADA	ARMY	ESEP Established – new MOU in-process waiting new Chapeau Army developing Amendment 8	D-MOU-CN-1991-0014	2 Oct 91 (10 Yr) Amdt #6: 20 May 08 (2 Yr) Amdt #7: 1 Oct 10 (2 Yr)
CHILE	ARMY	ESEP: Established	D-MOU-CI-2005-0256	13 Jun 07 (20 Yr)
COLOMBIA	ARMY	ESEP: On hold: OSD RAD staffing		
CZECH REPUB	OSD (AT&L)	ESEP: Proposed (Army-lead) In negotiation		
DENMARK	OSD (Policy)	APEP: Established		7 July 98 (10 Yr)
EGYPT	ARMY	ESEP: Established	D-MOU-EG-1991-0016	15 May 91 (Indefinite; 5 Yr Rev)
FRANCE	AIR FORCE	ESEP: Established – new MOU in negotiation.	D-MOU-FR-1994-0128	28 Jan 94 (10 Yr) Amdt #5: 28 Jan 11 (3 Yr)
GERMANY	AIR FORCE	ESEP: ESEP: Established	D-MOU-GE-1998-0074	6 Nov 98 (10 Yr) Amdt #1: 12 Nov 08 (10 Yr)
GERMANY	AIR FORCE	APEP: Established		20 Mar 00 Amdt #2 27 Feb 12 (22 Yrs)
GREECE	OSD (AT&L)	ESEP: Proposed (AF-lead)		12 Oct 92 (10 Yr) Amdt #1: 28 Nov 02
INDIA	OSD (AT&L)	ESEP: Proposed (Navy-lead) In RAD staffing		
ISRAEL	ARMY	ESEP: Established	D-MOU-IS-1987-0030	14 Dec 87 (Indefinite; 5 Yr Rev)
ITALY	AIR FORCE	ESEP: Established	D-MOU-IT-2006-4719	1 Aug 06 (20 Yr)
JAPAN	AIR FORCE	ESEP: Established – Drafting 2 yr amendment	D-MOU-JA-2001-0214	9 May 03 (10 Yr)
KOREA	AIR FORCE	ESEP: Established – Amended till 30 Jun 2014	D-MOU-KS-2000-0221	30 Jun 00 (10 Yr)
KOREA	OSD AT&L	APEP: Proposed		
NETHERLANDS	ARMY	ESEP: Established	D-MOU-NE-1992-0064	6 Jan 93 (Indefinite; 5 Yr Rev)
NORWAY	AIR FORCE	ESEP: Established	D-MOU-NO-2000-0214	15 Apr 99 (10 Yr) Amd #1 03 Jun 09 (+10 Yrs)
POLAND	AIR FORCE	ESEP: Established	D-MOU-PL-1993-0007	31 Jul 06 (20 Yr)
PORTUGAL	AIR FORCE	ESEP: Proposed – new MOU in-process		3 Feb 93 (10 Yr) Amdt #1: 22 May 03
SINGAPORE	OSD (AT&L)	ESEP: Established	D-MOU-SN-2000-0220	22 Mar 04 (15 Yr)
SPAIN	AIR FORCE	ESEP: Established	D-MOU-SP-2006-0259	6 Feb 07 (20 Yr)
SWEDEN	AIR FORCE	ESEP: Expired new MOU in negotiation	D-MOU-SW-1992-0067	20 Dec 99 (10 Yr)
SWITZERLAND	ARMY	ESEP: Proposed – In negotiation		
TAIWAN	ARMY	ESEP: Proposed – In RAD staffing		
UK	ARMY	ESEP: Established – new replacement MOU	D-MOU-UK-1994-0085	15 Aug 08 (10 Yr)
UK	OSD (Policy)	APEP: Established		8 Dec 06 (10 Yr)

Table 14-3 Foreign Countries Participating in ESEP and APEP

CPP and FLO countries are not noted in the above table, due to the fact that those programs are not centrally managed (no Executive Agent assigned) across the Department of Defense; they are managed by each Component and vary by IA. There are a number of APEP agreements in process, but since they are not approved they are not listed.

14.9 SUMMARY

Participation in personnel exchange and assignment programs can be very valuable for both the individuals and nations concerned. Foreign countries do not require a large or strong defense technology base in order to send APEP, CPP, ESEP and/or FLO participants to the U.S.; expertise in a defense-related technology that can contribute to a U.S. program is sufficient. Consequently, these programs are very attractive for allies, as well as friendly foreign countries that have a small defense RDT&E establishment, but still wish to cooperate with the U.S. in “niche” technology areas of mutual interest. As greater numbers of APEP, CPP, ESEP and FLO IAs are established with allied and friendly foreign nations, the scope of these programs should continue to expand.

14.10 REFERENCES

1. [Public Law 104-201, Section 1082](#), *Agreements for Exchange of Defense Personnel between the United States and Foreign Countries*, September 23, 1996 or .
2. [10 U.S.C. Section 168](#), *Military-to-military contacts and comparable activities*
3. [Public Law 110-181, 122 STAT. 3, SEC. 1201](#), *Military-to-Military Contacts and Comparable Activities*, Jan. 28, 2008.
4. [DoD Directive 5230.11](#), *Disclosure of Classified Military Information to Foreign Governments and International Organizations*, June 16, 1992.
5. [DoD Directive 5230.20](#), *Visit and Assignments of Foreign Nationals*, June 22, 2005.
6. [DoD Directive 5230.25](#), *Withholding of Unclassified Technical Data From Public Disclosure*, November 6, 1984, *Incorporating Change 1, August 18, 1995*
7. [DoD Directive 5530.3](#), *International Agreements*, June 11, 1987, *Includes Change 1 of February 18, 1991, Certified Current as of November 21, 2003*

CHAPTER 15: INTERNATIONAL ACQUISITION CAREER PATH

15.1 INTRODUCTION

The origins of the International Acquisition Career Path (IACP) can be traced from the Defense Acquisition Workforce Improvement Act (DAWIA) of 1990. DAWIA initially identified eleven functional areas as containing acquisition related positions. DAWIA, also, recognized international acquisition activities by identifying "joint development and production with other government agencies and foreign countries" as one of the eleven functional areas cited in the law.

As a result, the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)) directed the development of an international acquisition career path in support of the AT&L strategic goal to achieve and sustain a high performing, agile, and ethical workforce; and, more recently, it could be argued, to assist that workforce achieve Better Buying Power (BBP).

The task was to create an international career path within the existing functional acquisition-related career fields, initially aligning with the program management career field. The OUSD(AT&L) Director for International Cooperation serves as the Functional Leader for this new career path within the program management career field.

Over the long term, the goal is to develop International Acquisition Career Paths for additional career fields, such as Life Cycle Logistics, Contracting, and Systems Planning, Research Development & Engineering.

15.2 BACKGROUND

DAWIA required the Department of Defense to establish policies and procedures for education, training, and career development for persons serving in acquisition positions. As a result of DAWIA, a structured three-level acquisition career field certification process is used to validate and record each individual acquisition workforce member's achievement within the certification construct. This information enables appropriately qualified acquisition professionals to be identified and selected to fill DoD acquisition positions. DoD Directive 5000.52, "Defense

Acquisition, Technology, and Logistics Workforce Education, Training, and Career Development Program" spells out the policy on DoD acquisition workforce development. The DAWIA acquisition career field certification standards are published by the Defense Acquisition University (DAU). The current DAWIA acquisition certification standards are accessible from the DAU website at <http://www.dau.mil>.

15.3 INTERNATIONAL CONSIDERATIONS WITHIN THE DAWIA STRUCTURE

DAWIA recognized international acquisition as a functional area, but it remained problematic to establish required education, training, career development, and certification standards. In practice, international acquisition is not an autonomous career field. For example, conducting an international cooperative development and/or production project/program requires a team of DoD personnel that possess core functional expertise in multiple areas such as program management, systems development, contracting, logistics, manufacturing, and financial management. International acquisition is a cross functional acquisition specialty and could apply to a number of acquisition career fields. As a result, an autonomous international functional career field was not separately established. Nevertheless, the need remained for the insertion of international competencies within selected acquisition career fields.

15.4 THE CORE PLUS CONCEPT

When the USD(AT&L) directed the development of an international acquisition career path, rather than creating a new international career field, the task became to create international career paths within existing functional acquisition career fields. In cases where positions are not coded and training is not mandatory, this concept of inserting tailored international competency requirements within the existing career field is referred to as the core plus concept.

Under core plus, an individual acquisition workforce member must attain the existing certification standards applicable to their respective functional career field. This aspect correlates to achieving the core functional competencies necessary to be proficient at the respective functional discipline at levels I, II, or III of expertise. The plus component of the core plus concept, therefore, is to identify and delineate additional competency functions within a certain acquisition specialty qualification, such as international acquisition.

15.5 INTERNATIONAL PROGRAM MANAGEMENT COMPETENCIES

Since 2010, the Department has been executing a comprehensive effort to increase efficiencies, reduce overhead costs, and eliminate redundant functions in order to improve the effectiveness of DoD acquisition programs. This effort focuses on how DoD acquisition programs can leverage domestic and cooperating partners' resources to more effectively support and sustain the force, through improved affordability, cost control, incentivized industry innovation and productivity, which promotes real competition; and ultimately demonstrates U.S. and partners Better Buying Power.

The IACP has the potential to develop an acquisition workforce that leverages domestic and international considerations early in an acquisition program's Materiel Solution Analysis, Technology Development Strategy and/or Acquisition Strategy, which would, also, include the planning for Foreign Military Sales and Direct Commercial Sales. This will result in reduced U.S. and partner nations' costs; while demonstrating that DoD in cooperation with partners can jointly build the defense capabilities of U.S., allied, coalition partners and friendly nations.

As a result, the program management competencies listed in the following table considers both the defense acquisition and Foreign Military Sales environments. A numbering construct applies to these competencies. Competencies beginning with: "1" apply to the International Acquisition Environment, "2" to Strategy and Planning for International Involvement, and "3" to International Business Processes & Tools.

IACP Program Management Competencies	
Level I Competencies	
1.1	Identify statutory, regulatory, and policy requirements
1.2	Identify stakeholders
1.3	Describe International Program Security and Tech Transfer procedures
2.1	Differentiate between a U.S. and an international strategy
2.2	Identify international elements of technology development and acquisition strategies
2.3	Outline proper international technology security considerations
3.1	Describe Pol-Mil principles as part of customer/partner relationship
3.2	Describe international acquisition management tools
Level II Competencies	
1.1	Identify and apply statutory, regulatory, and policy requirements
1.2	Identify and coordinate with stakeholders to determine common positions
1.3	Use international program security and tech transfer procedures
2.1	Plan an international strategy—both cooperative and security assistance
2.2	Plan and modify technology development and acquisition strategies to incorporate international considerations
2.3	Employ proper international technology security
3.1	Apply Pol-Mil principles to customer/partner relationships leading to signed Letters of Offer and Acceptance (LOAs) or international agreements
3.2	Categorize the technical capabilities of your customer/partner
3.3	Support international agreement negotiation
3.4	Identify international program contracting impacts
3.5	Develop funding strategies for international programs
3.6	Employ international acquisition management tools
Level III Competencies	
1.1	Assess and integrate statutory, regulatory, and policy requirements
1.2	Organize and blend stakeholders' needs and requirements
1.3	Recommend, justify, and defend international program security and tech transfer procedures
2.1	Formulate an international strategy—both cooperative and security assistance
2.2	Critique and recommend technology development and acquisition strategies to incorporate international considerations
2.3	Employ and validate proper international technology security
3.1	Integrate Pol-Mil principles into customer/partner relationships
3.2	Assess and evaluate the technical capabilities of your customer/partner
3.3	Conduct international agreement negotiation
3.4	Select and evaluate international acquisition management processes

Table 15-1 IACP Program Management Competencies

15.6 DAU TRAINING FOR IACP

The IACP has three levels of international courses provided by the Defense Acquisition University (DAU). The DAU catalog, available at www.dau.mil, contains the additional course training recommendations and requirements for the program management IACP at the corresponding I, II, and III certification levels.

- Level I – Three online DAU courses are recommended for an international acquisition type of assignment for those who participate in a variety of international-related programs/tasks, either cooperative or security assistance in nature: “International Armaments Cooperation” Parts 1, 2 and 3 (CLI 001, CLI 002 and CLI 003). Each of these online courses is two hours in length.

- Level II – Two DAU online courses are recommended for an international acquisition type of assignment for those who participate in successful cooperative development, production partnership, or system modification/transfer during pre-system acquisition or system acquisition with allied and friendly nations, either cooperative or security assistance in nature: “Information Exchange Program for Research, Development, Test, and Evaluation” (CLI 004) and “Technology Transfer and Export Control” (CLI 007). These online courses are each two hours in length. In addition, completion of two one-week residency Program Management courses is required: “Multinational Program Management Course” (PMT 202) and “International Security and Technology Transfer/Control Course” (PMT 203).

- Level III – Currently requires completion of a one week residency course, “Advanced International Management Workshop” (PMT 304) to meet the international acquisition unique position training standard. A new course has been added at Level III, “Advanced Technology Security/Control Workshop” (PMT 313). Level III requirements are likely to change because of this addition.

It is important to note that these mandatory courses for the IACP are in addition to all existing mandatory training requirements for the program management career field. However, the total IACP addition to the existing training requirement for the career field is only ten hours of online training and three weeks of resident training to attain IACP Level III competency.

Close collaboration between DAU and the Defense Institute for Security Assistance Management (DISAM) was mandated in the USD(AT&L) memorandum establishing the IACP. DAU directly participates in DISAM executive course offerings and exchange of technical information exploring the potential to create some degree of connectivity between DAU and DISAM on-line courses. Close, effective collaboration between DAU and DISAM will improve the training for the increasing number of Defense Acquisition Workforce members engaged in international acquisition activities.

15.7 PRACTICAL VALUE OF IACP

The International Acquisition Career Path establishes a formal career path within the overall program management career field. Formalizing the career path systematically with the personnel systems enables two important actions. First, specific manpower billets can be subcoded as international acquisition positions requiring those individuals to meet unique position training standards, i.e. international acquisition qualifications, to fill the respective positions. Second, the existing personnel management infrastructure will record each acquisition workforce member's achievement toward core certification plus unique position training standards. This information will ultimately provide visibility to senior management enabling them to identify and select internationally qualified persons to lead international programs.

15.8 IACP INTERNATIONAL PROGRAM DEFINITION

For purposes of the International Acquisition Career Path, an international program is characterized by one or more of the following criteria:

- Designated, by the USD(AT&L) or Component Acquisition Executive or as further delegated, an IC in AT&L program/project, which can include cooperative production and/or high-potential future foreign sales, either Foreign Military Sales or Direct Commercial Sales, which may include co-production or licensed production.
- Associated with a Technology Development Strategy (TDS) at Milestone A or an Acquisition Strategy (AS) at Milestones B and C which via TDS and/or AS Section 10 demonstrates international involvement supported by a concluded

international agreement and its Summary Statement of Intent, Delegation of Disclosure Authority Letter etc.

- Associated with an approved Letter of Offer and Acceptance for purposes of international sale, lease, or logistics support of U.S. major defense equipment.

Of note, Foreign Military Sales is a factor in defining a program as international. Under this initiative, therefore, the expectation is that program managers of all international programs will be selected based on achieving IACP requirements within the program management career field.

15.9 IACP IMPLEMENTATION IN OTHER CAREER FIELDS

The program management IACP is just the first step in addressing international acquisition unique position training standards across the Defense Acquisition Workforce. The long term objective is to implement an IACP approach within other selected acquisition career fields. The international competencies for other acquisition career fields will likely differ, in varying extents, from the international competencies for program management.

15.10 IACP RELATIONSHIP TO DSCA'S INTERNATIONAL AFFAIRS CERTIFICATION PROGRAM

The IACP relates to the DoD international affairs certification and career development program managed by Defense Security Cooperation Agency (DSCA). It is important to recognize that these two programs are complementary rather than duplicative. An important distinction between the DSCA International Affairs certification and the USD (AT&L) IACP initiative is the target population. The International Affairs program is open to all career fields and applies to the entire international affairs workforce at large. Although the international affairs workforce does include some DAWIA acquisition personnel, many international affairs professionals are not in acquisition organizations or acquisition career fields. The International Affairs program's training, education, and experience requirements are focused on international affairs competencies as a whole rather than having separate individually tailored qualifications for each respective functional career field.

As described in this chapter, the USD (AT&L) IACP has a tailored focus for each respective acquisition/acquisition-supporting career field. Eligible international acquisition

personnel may elect to participate in both programs. More information on the DoD international affairs program is available at www.personnelinitiatives.org.

15.11 SUMMARY

The International Acquisition Career Path is an important development not only to the acquisition community but also to the security assistance community. Successful execution of security assistance programs, in particular the Foreign Military Sales program, relies heavily on DoD's acquisition manpower, processes, and infrastructure. The IACP will enable the acquisition workforce to become more knowledgeable of various processes and the implications for collaboration across international programs through improved education, training, and professional development.

15.12 REFERENCES

1. [Public Law PL 1009-163 sec 1056.c.3](#), *Defense Acquisition Workforce Improvement Act (DAWIA)* November 1990; amended in 2003, 2004, and 2006.
2. [DoD Directive 5000.52](#), *Defense Acquisition, Technology, and Logistics Workforce Education, Training and Career Development Program*, January 12, 2005.
3. *DISAM Journal*, "International Acquisition Career Path," Jeffery S. Grafton, Associate Professor DISAM, September, 2008.
4. *Defense AT&L*, "New Career Path Recognizes Global Scope of Acquisitions: International Acquisition Career Path," Duane Tripp and Roy Wood, January – February 2009.
5. *Defense AT&L*, "International Competencies for the Defense Acquisition Workforce," Richard Kwatnoski and Gregory Goodwin, July – August 2010.

CHAPTER 16: SUMMARY

The preceding chapters have provided descriptions of international armaments cooperation activities and mechanisms. As noted throughout this Handbook, there are significant advantages to the U.S. in participating in international cooperative efforts. The most obvious of these benefits are cost savings, access to technology, enhanced system interoperability with those of our allies and coalition partners, and strengthened political-military ties.

As described earlier, international cooperative efforts include information and personnel exchanges, loans of materials, supplies and equipment to friendly foreign nations as well as evaluation of their defense products, cooperative RD&A programs, international testing programs, cooperative production programs, and cooperative logistics programs. All offer the opportunity for enhancing U.S. defensive capabilities while reducing cost.

Acquisition personnel are encouraged to review each of the preceding chapters to identify potential areas of cooperation, as well as the laws, policies and procedures that apply to the pursuit of cooperative opportunities. There are several offices that can provide assistance to acquisition personnel attempting to establish cooperative endeavors. These are the OUSD(AT&L) and other OSD offices identified specifically throughout this Handbook, the international programs organizations of each DoD Component, and OSD and DoD Component offices of general counsel. Contact information for many of these is shown in Annex C.

Use of this Handbook, followed by effective teamwork between acquisition personnel and their international program advisors, will greatly improve the probability of success in international armaments cooperation.

ANNEX A

ACRONYMS & ABBREVIATIONS

(For Bilateral and Multilateral Forums and Activities see Chapter 10, Table 10-1 United States Security Cooperation Organizations, Chapter 11, Table 11-1 NATO CNAD Level One Groups, Table 11-2 PASOLS Members and Observers, and Table 11-3 Bilateral International Cooperative Forums and Activities)

ABCA	American, British, Canadian, Australian (New Zealand) Armies Program
ACAT	Acquisition Category
ACSA	Acquisition and Cross Servicing Agreement
ACT	Allied Command Transformation (NATO)
AECA	Arms Export Control Act
AF	Air Force (also USAF)
AFMC	Air Force Materiel Command
AFRL	Air Force Research Laboratory
AMC	Army Materiel Command, Air Mobility Command (USAF)
AoA	Analysis of Alternatives
AOARD	Asian Office of Aerospace Research and Development
AP	Allied Publication
APEP	Administrative and Professional Personnel Exchange Program
ARL	Army Research Laboratory
ARO	Army Research Office
ARO	Asian Research Office [under the Army Research Office]
AS	Acquisition Strategy
ASA(PSA)	Assistant Secretary of Defense for Asian and Pacific Affairs
ASA(ISA)	Assistant Secretary of Defense for International Security Affairs
ASCC	Air Standardization Coordination Committee (AUSCANZUKUS)
ASD(L&MR)	Assistant Secretary of Defense (Logistics & Materiel Readiness)
ASD(ISA)	Assistant Secretary of Defense (International Security Affairs)
ASD(R&E)	Assistant Secretary of Defense for Research and Engineering (formerly Director, DDR&E)
ASIC	Air and Space Interoperability Council (AUSCANZUKUS)
ASN(RD&A)	Assistant Secretary of the Navy (Research, Development and Acquisition)
ASSIST	Acquisition Streamlining and Standardization Information System
AT&L	Acquisition, Technology and Logistics
ATPO	Associate Technical Project Officer

ATTR	Arms Transfer and Technology Release
AUSCANNZUKUS	Australia-Canada-New Zealand-United Kingdom-United States Forums and Programs to promote standardization of equipment and procedures.
BAA	Buy American Act
BBP	Better Buying Power
BIS	Bureau of Industry and Security (DOC)
C3I	Command, Control, Communications, Intelligence
C4	Command, Control, Communication and Computers
CAE	Component Acquisition Executive
CBD	Chemical, Biological Defense
CCEB	Combined Communications – Electronics Board (AUSCANZUKUS)
CDD	Capabilities Development Document
CDR	Critical Design Review
CENTCOM	U.S. Central (Unified Combatant) Command
CJCS	Chairman Joint Chiefs of Staff
CLI	Continuous Learning International (DAU- Int'l Armaments & Info Exchange Training courses)
CLSSA	Cooperative Logistics Supply Support Arrangement
CMAA	Cooperative Military Airlift Agreements
CNAD	Conference of National Armaments Directors
COCOM	(Unified or Geographic) Combatant Command
COD	Cooperative Opportunities Document
CONUS	Continental United States
CPI	Critical Program Information
CPP	Cooperative Program/Project Personnel/Person
CTE	Cooperative Test and Evaluation
CWP	Coalition Warfare Program
DA	Department of the Army/Distribution Agreement
DAB	Defense Acquisition Board
DAC	Defense Acquisition Challenge
DAE	Defense Acquisition Executive
DAG	Defense Acquisition Guidebook
DAMS	Defense Acquisition Management System
DARPA	Defense Advanced Research Projects Agency
DASA(DE&C)	Deputy Assistant Secretary of the Army for Defense Exports and Cooperation.
DASD (DT&E)	Deputy Assistant Secretary of Defense Developmental Test and Evaluation

DASD (MIBP)	Deputy Assistant Secretary of Defense Manufacturing and Industrial Base Policy
DASD (Research)	Deputy Assistant Secretary of Defense Research
DASD (RF)	Deputy Assistant Secretary of Defense Rapid Fielding (See Chapter 9 Figure 9-3 DASD Rapid Fielding Organization)
DASD (SE)	Deputy Assistant Secretary of Defense Systems Engineering
DASN(IP)	Deputy Assistant Secretary of the Navy for International Programs
DAU	Defense Acquisition University
DAWIA	Defense Acquisition Workforce Improvement Act
DDA	Designated Disclosure Authority
DDL	Delegation of Disclosure Authority Letter
DDR&E	Director, Defense Research and Engineering (obsolete term; see ASD (R&E))
DDSP	Defense Development Sharing Program (Canada-U.S.)
DEF	Defense Exportability Features
DEPSECDEF	Deputy Secretary of Defense
DFARS	Defense Federal Acquisition Regulation Supplement, DoD Federal Acquisition Regulation Supplement
DGR	Designated Government Representative
DIR(DP&AP)	Director, Defense Procurement & Acquisition Policy
DIR(IC)	Director (International Cooperation)
DIR(L&MR)	Director, Logistics & Materiel Readiness (obsolete term; see ASD(L&MR))
DISAM	Defense Institute of Security Assistance Management
DOC	Department of Commerce
DoD CIO	Department of Defense Chief Information Officer
DoD/DOD	Department of Defense
DoDD/DODD	Department of Defense Directive
DoDI/DODI	Department of Defense Instruction
DON	Department of the Navy
DPAS	Defense Priorities and Allocations System
DPEP	Defense Personnel Exchange Program (APEP, ESEP, DIPEP)
DIPEP	Defense Intelligence Personnel Exchange Program
DPSP	Defense Production Sharing Program (Canada-U.S.)
DSCA	Defense Security Cooperation Agency
DSP	Defense Standardization Program
DT&E	Developmental Test and Evaluation
DTA	Defense Trade Advocacy
DTCT	Defense Trade Cooperation Treaties
DTICC	Defense Technological and Industrial Cooperation Committee

DTM	Directive Type Memorandum
DTRA	Defense Threat Reduction Agency
DTSA	Defense Technology Security Administration
EA	Executive Agent ⁶⁸
EAR	Export Administration Regulations
EMD	Engineering and Manufacturing Development
EO	Executive Order (Presidential)
EOARD	European Office of Aerospace Research and Development
ERO	European Research Office [Under Army Research Office]
ESEP	Engineers and Scientists Exchange Program
ESSM	Evolved Sea Sparrow Missile
EUCOM	U.S. European (Geographic or Unified Combatant) Command
EXCOM	Executive Committee
FCT	Foreign Comparative Testing
FFC	Friendly Foreign Country
FLO	Foreign Liaison Officer
FMF	Foreign Military Financing
FMS	Foreign Military Sales
FOC	Full Operational Capability
FORDTIS	Foreign Disclosure and Technical Information System
FRP	Full Rate of Production
GC	General Counsel
GEF	Guidance for the Employment of the Force
GSOIA	General Security of Information Agreements
GSOMIA	General Security of Military Information Agreements
HLD	High Level Decisions (TS&FD)
HNS	Host Nation Support
IA	International Agreement/Information Assurance
IAC	International Armaments Cooperation
IACP	International Acquisition Career Path
IC in AT&L	International Cooperation in Acquisition, Technology and Logistics
ICD	Initial Capabilities Document
ICI	Istanbul Cooperation Initiative (NATO)

⁶⁸ “3. DEFINITIONS. As used in this Directive, the following terms have the meaning set forth below:
“3.1. DoD Executive Agent. The Head of a DoD Component to whom the Secretary of Defense or the Deputy Secretary of Defense has assigned specific responsibilities, functions, and authorities to provide defined levels of support for operational missions, or administrative or other designated activities that involve two or more of the DoD Components. The nature and scope of the DoD Executive Agents responsibilities, functions, and authorities shall:
“3.1.1. Be prescribed at the time of assignment.
“3.1.2. Remain in effect until the Secretary of Defense or the Deputy Secretary of Defense revokes or supersedes them.” [DoDD 5101, September 3, 2002](#).

ICR&D	International (or NATO) Cooperative R&D Program
ICRDA	International Research, Development and Acquisition (primarily an Army term; see AR 70-41)
IDEAA	International Defense Educational and Acquisition Arrangement
IPSH	International Programs Security Handbook
IEP	Defense RDT&E Information Exchange Program (NOTE: Under the IEP there are IEP agreements (formerly “master agreements,” under which there may be any number of IEP annexes (DEAs/IEAs).) a.k.a. RDT&E IEP)
IOC	Initial Operational Capability
IPO	International Programs Office
ITAR	International Traffic in Arms Regulations
ITC	International Technology Centers (U.S. Army) (formerly U.S. Army RDECOM Research & Technology Centers (RRTCs) and prior to that U.S. Army Research, Development and Standardization Groups (USARDSGs) / STANGROUPS)
IT&ESC	International Test & Evaluation Steering Committee (ITOP/ITOPS)
ITOP/ITOPS	International Test Operations Procedure(s)
JCS	Joint Chiefs of Staff
JDA	Japan Defense Agency (obsolete term; JDA has been upgraded to the Japan Ministry of Defense)
JCIDS	Joint Capabilities Integration and Development System (replaced Requirements Generation System, RGS)
JCTDs	Joint Capability Technology Demonstrations
JPEO-CBD	Joint Program Executive Office/Officer – Chemical and Biological Defense
JPO	Joint Program/Project Office
JROC	Joint Requirements Oversight Council
JUON	Joint Urgent Operational Needs
LC	Logistics Committee (NATO)
LFT&E	Live Fire Test and Evaluation
LO	Liaison Officer
LOA	Letter of Offer and Acceptance
LOR	Letter of Request
LRIP	Low Rate of Initial Production
MAIS	Major Automated Information Systems
MAP	Military Assistance Program
MAS	Military Agency for Standardization
MD	Mediterranean Dialogue (NATO)
MDA	Milestone Decision Authority/ Missile Defense Agency

MDAPs	Major Defense Acquisition Programs
MDD	Materiel Development Decision
MIC	Multilateral Interoperability Council (AUS, CAN, FR, GE, IT, UK, US)
MIDS	Multifunction Information Distribution System
MIEA	Master Information Exchange Arrangement/Agreement (NOTE: old terminology – see IEP)
MILDEP	Military Department
MISWG	Multinational Industrial Security Working Group
MMIEM	Multilateral Master Information Exchange Memorandum of Understanding (NOTE: old terminology – see IEP)
MLA	Manufacturing License Agreement
MNNA	Major non-NATO Ally
MNS	Mission Needs Statement (OBE term see ICD)
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSA	Material Solution Analysis/Milestone A
N8F	Director for Warfare Integration (NAVY)
NAA	National Annex Authority (IEP)
NAD	National Armaments Director
NAMSA	NATO Maintenance and Supply Agency
NAMSO	NATO Maintenance and Supply Organization
NATIBO	North American Technology and Industrial Base Organization
NATO	North Atlantic Treaty Organization
NC3A	NATO Consultation, Command and Control Agency
NC3O	NATO Consultation, Command and Control Organization
NCS	NATO Committee for Standardization
NDI	Non-Developmental Items
NDP/NDP-1	National Disclosure Policy
NDPC	National Disclosure Policy Committee
NIC	Notification of Intent to Conclude
NIN	Notification of Intent to Negotiate
NISPOM	National Industry Security Operating Manual
NORTHCOM	U.S. North (Geographic or Unified Combatant) Command
NRC	NATO-Russia Council
NRL	Navy Research Laboratory
NSDM	National Security Decision Memorandum
NSO	NATO Standardization Organization
NSPD	National Security Presidential Directive
NSSG	NATO Standardization Staff Group

OCONUS	Outside the Continental United States
ODC	Office of Defense Cooperation
OGC	Office of General Counsel
OLO	Operational Liaison Officer
ONR	Office of Naval Research
OSD	Office of the Secretary of Defense
OT&E	Operational Test and Evaluation
OTTR	Operational Test Readiness Review
PA	Project Arrangement/Agreement/Annex
PACOM	U.S. Pacific (Geographic or Unified Combatant) Command
PASOLS	Pacific Area Senior Logistics Seminar
PDD	Presidential Decision Directive
PDR	Preliminary Design Review
PE	Program Element
PEO	Program Executive Office/Officer
PM	Program/Project/Product Manager
PMT	Program Management (Training Courses) (DAU)
PO	Project Officer
POC	Point of Contact
POL-MIL	Political-Military
POM	Program Objective Memorandum
PPBE	Program Planning and Budget Execution
PPP	Program Protection Plan
R&D	Research and Development
R&E	Research and Engineering
RAD	Request for Authority to Develop
RAM	Rolling Airframe Missile
RD&A/RDA	Research, Development and Acquisition
RDECOM	Research, Development, and Engineering Command (Army)
RDP	Reciprocal Defense Procurement
RDT&E	Research, Development, Test & Evaluation
RDT&E IEP	Defense RDT&E Information Exchange Program; a.k.a IEP
RDT&EP	Research, Development Test & Evaluation Program
RFA	Request for Final Approval
ROK	Republic of Korea
RRTO	Rapid Reaction Technology Office
RSI	Rationalization, Standardization, Interoperability
RTB	Research and Technology Board (NATO RTO) soon to be OBE; see STB
RTO	Research and Technology Organization (NATO) (soon to be OBE;

	see STO)
S&E	Scientists and Engineers
S&T	Science and Technology
S&TF	Systems and Technology Forum (Japan-U.S.)
SA	Security Assistance
SAALT	Secretary of the Army for Acquisition, Logistics and Technology
SAAL-NC	Director, Armaments Cooperation (Army)
SAF/AQ	Assistant Secretary of the Air Force for Acquisition
SAF/IA	Deputy Under Secretary of the Air Force for International Affairs
SAF/IAPQ	Air Force Armaments Cooperation Division
SAMM	Security Assistance Management Manual
SAO	Security Assistance Office/Officer (also see SCO)
SC	Security Cooperation
SCO	Security Cooperation Office/Officer
SCM	Security Consultative Meeting
SE	Systems Engineering
SECDEF	Secretary of Defense
SFA	Security Force Assistance
SHAPE	Supreme Headquarters Allied Powers Europe
SIES	Strategic Industries and Economic Security (DOC)
SMART	Simulated Mission and Rehearsal Training (NATO)
SNR	Senior National Representative
SOCOM/USSOCOM	Special Operations Command/U.S. Special Operations Command
SSOI	Summary Statement of Intent
SOUTHCOM	U.S. South (Geographic or Unified Combatant) Command
SSG	Senior Steering Group
SRD	Specialized Routine Decisions (TS&FD)
STANAG	Standardization Agreement (NATO)
STB	Science and Technology Board (NATO) as of July 1, 2012; see STO)
STC	SHAPE Technical Center
STO	Science and Technology Organisation (NATO) as of July 1, 2012; see RTO)
SWG	Special Working Group (NATO)
T&E	Test and Evaluation
TA/CP	Technical Assessment and Control Plan
TAA	Technical Assistance Agreement (ITAR)
TDS	Technology Development Strategy
TED	Technical and/or Exploratory Discussions
TEP	Test & Evaluation Program
TEMP	Test and Evaluation Management Plan

TPA	Test Project Agreement
TPO	Technical Project Officer
TRA	Technology Readiness Assessment
TRDP	Technology Research and Development Program (old term, see RDT&EP)
TRL	Technology Readiness Level
TRR	Technology Release Roadmap
TS&FD	Technology Security and Foreign Disclosure
TS&FDO	Technology Security and Foreign Disclosure Office
TTCP	The Technical Cooperation Program (AUSCANZUKUS)
TTSARB	Technology Transfer Security Assistance Review Board
USLO	United States Liaison Officer
U.S.C./USC	United States Code
USD(AT&L)	Under Secretary of Defense (Acquisition, Technology & Logistics)
USD(C)/CFO	Under Secretary of Defense (Comptroller)/Chief Financial Officer
USD(P)	Under Secretary of Defense (Policy)
USG	U.S. Government
WGE	Working Groups of Experts (ITOP/ITOPS)
WRSA	War Reserve Stocks for Allies

ANNEX B

REFERENCES

LAWS

1. [Title 1 U.S.C. Section 112b](#), *The Case Act*.
2. [Title 10 U.S.C. Section 139](#), Director of Operational Test and Evaluation
3. [10 U.S.C. Section 168](#), Military-to-military contacts and comparable activities
4. [Title 10 U.S.C. Section 2341](#) – *Authority to acquire logistic support, supplies, and services for elements of the armed forces deployed outside the United States*.
5. [Title 10 U.S.C. Section 2342](#) – *Cross-servicing agreements*.
6. [Title 10 U.S.C. Section 2457](#) – *Standardization of equipment with North Atlantic Treaty Organization members*.
7. [Title 10 U.S.C. Section 2350a](#) – *Cooperative Research and Development Agreements*.
8. [Title 10 U.S.C. Section 2350a](#), *Cooperative Research and Development Agreements: (g), “Side-by-Side Testing”*.
9. [Title 10 U.S.C. Section 2350c](#) – *Cooperative military airlift agreements: allied countries*.
10. [Title 10 U.S.C. Section 2350g](#) – *Authority to accept use of real property, services, and supplies from foreign countries in connection with mutual defense agreements and occupational arrangements*.
11. [Title 10 U.S.C. Section 2350i](#) – *Foreign Contributions for Cooperative Projects*.
12. [Title 10 U.S.C. Section 2350l](#) – *Cooperative Agreements for Reciprocal Use of Test Facilities: Foreign Countries and International Organizations*.
13. [Title 10 U.S.C. Section 2358](#) – *Research and Development Projects (General R&D Authority)*.
14. [Title 10 U.S.C. Section 2457](#) - *Standardization of equipment with North Atlantic Treaty Organization members*.
15. [Title 10 U.S.C. Section 2531](#), *Defense memoranda of understanding and related agreements*.

16. [Title 10 U.S.C. Section 2532](#), *Offset policy; notification*.
17. [Title 10 U.S.C. Section 2533b](#), *Requirement to Buy Strategic Materials Critical to National Security from American Sources; Exceptions*
18. "Berry Amendment", [Title 10 U.S.C. Section 2533a](#), *Requirement to Buy Certain Articles From American Sources; Exceptions*
19. [Title 22 U.S.C. Section 2751](#), *The Arms Export Control Act: (AECA): Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; arms sales policy*. (Public Law 94-329 (1976)).
20. [Title 22 U.S.C. Section 2767](#), *Arms Export Control Act (AECA): Authority of President to enter into cooperative projects with friendly foreign countries*. (AECA Section 27)
21. [Title 22 U.S.C. Section 2796d](#), *AECA: Loan of materials, supplies, and equipment for research and development purposes*. (AECA Section 65)
22. [Title 50A U.S.C. Section 2099](#), *Declaration of Offset Policy*.
23. Foreign Assistance Act of 1961 (P.L. 87-195) Sec. 625
24. [Public Law 104-201, Section 1082](#), *Agreements for Exchange of Defense Personnel between the United States and Foreign Countries*, September 23, 1996.
25. "Buy American Act" means Title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 ([Title 41 U.S.C. Section 10a](#))
26. Defense Production Act of 1950 (DPA). Section 7 (c) of P.L. 108-195 amended Section 123 (c) of the DPA.
27. [National Defense Authorization Act](#), FY2008
28. [Public Law 110-181, 122 STAT. 3, SEC. 1201](#). *Military-to-Military Contacts and Comparable Activities*, Jan. 28, 2008.
29. [Public Law PL 1009-163 sec 1056.c.3](#), *Defense Acquisition Workforce Improvement Act (DAWIA)* November 1990; amended in 2003, 2004, and 2006.
30. [U.S. Defense Offsets Disclosure Act of 1999](#)

EXECUTIVE ORDERS ETC

1. Executive Order 12114, Environmental effects abroad of major Federal actions, dated January 4, 1979.
2. [Executive Order 13526](#), *Classified National Security Information*, December 29, 2009
3. [National Security Decision Memorandum \(NSDM\) 119](#), *Disclosure of Classified United States Military Information to Foreign Governments and International Organizations*, July 20, 1971

DEPARTMENT OF DEFENSE DIRECTIVES, INSTRUCTIONS, REGULATIONS, HANDBOOKS AND MANUALS (in numerical order)

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ANNEX C

KEY OFFICES WITH INTERNATIONAL COOPERATION RESPONSIBILITIES

Office of the Under Secretary of Defense (Acquisition, Technology and Logistics)

Director (International Cooperation)
Room 5A1062b
3070 Defense Pentagon
Washington, DC 20301-3070
Telephone: 703.697,4172

Director, Planning and Analysis
3070 Defense Pentagon
Washington, DC 20301-3070
Telephone: 703-693-0860

Director, International Negotiations
3070 Defense Pentagon
Washington, DC 20301-3070
Telephone: 703-693-0860

Director, Armaments Cooperation Atlantic
3070 Defense Pentagon
Washington, DC 20301-3070
Telephone: 703-602-5855

Director, Pacific Armaments Cooperation
3070 Defense Pentagon
Washington, DC 20301-3070
Telephone: 703-602-5856

Department of the Army

Deputy Assistant Secretary of the Army for Defense Exports and Cooperation
103 Arm Pentagon
Washington, DC 20310

Telephone: (703) 614-3175

Director, Armaments Cooperation
Taylor Building, 11th Floor
2530 Crystal Drive
Arlington, VA 22202

Telephone: (703) 545-4801

Department of the Navy

Navy International Programs Office
2521 South Clark Street
Suite 800
Arlington, VA 22202-3928

Telephone: (703) 601-9700
Facsimile: (703) 601-9865

Department of the Air Force

Secretary of the Air Force (International Affairs), Armaments Cooperation Division (SAF/IAPQ)
1080 Air Force Pentagon
Washington, DC 20330-1080

Telephone: (703) 588-8950	DSN 425-8950
Facsimile: (703) 588-8470	DSN 425-8950

ANNEX D

WEBSITES

DEFENSE AGENCIES, ORGANIZATIONS, AND PROGRAMS

ABCA Armies Program

<http://www.abca.hqda.pentagon.mil/>

Defense Acquisition University

<http://www.dau.mil>

Defense Institute of Security Assistance Management (DISAM)

<http://www.disam.dsca.mil/>

DefenseLink (Main DoD Site)

<http://www.defenselink.mil>

Defense Security Cooperation Agency (DSCA)

<http://www.dsca.mil>

Defense Security Service (DSS)

<http://www.dss.mil>

Deputy Assistant Secretary of the Army for Defense Exports and Cooperation

<https://www.alt.army.mil/portal/page/portal/oasaalt>

Deputy Under Secretary of the Air Force, International Affairs

<http://www.safia.hq.af.mil/>

Director (International Cooperation)

<http://www.acq.osd.mil/ic/>

Armaments Cooperation Atlantic

<http://www.acq.osd.mil/ic/atlanticarmaments/acamission.html>

Pacific Armaments Cooperation

<http://www.acq.osd.mil/ic/pacificarmaments/pacmission.html>

Planning and Analysis

<http://www.acq.osd.mil/ic/planninganalysis/pamission.html>

International Negotiations

<http://www.acq.osd.mil/ic/International%20Negotiations/INmission.html>

Coalition Warfare Program
<http://www.acq.osd.mil/ic/cwp.html>

Foreign Comparative Testing
<http://www.acq.osd.mil/cto/>

Office of the Under Secretary of Defense (Acquisition, Technology and Logistics)
<http://www.acq.osd.mil>

Navy International Programs Office (NIPO)
<https://www.nipo.navy.mil>

DOD-RELATED REFERENCES

Defense Trade Controls Reference Library
[http://www.thefreelibrary.com/Department+of+State+defense+trade+controls+overviews.\(LEGISLATION+AND...-a0163703248](http://www.thefreelibrary.com/Department+of+State+defense+trade+controls+overviews.(LEGISLATION+AND...-a0163703248)

DoD 5000 Series Resource Center
<http://dod5000.dau.mil>

DoD Directives and Instructions
<http://www.dtic.mil/whs/directives/>

Financial Management Regulation (FMR)
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<http://thomas.loc.gov/>

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<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>

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